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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

GEORGE PACKARD, et al,
Plaintiffs,

-against- CASE No.: 15-CV-7130
(AT) (SDA)

THE CITY OF NEW YORK, et al,
Defendants.

- - - - - x

Date: July 12, 2018
Time: 10:10 a.m.

DEPOSITION of ANTHONY J. RAGANELLA, held at
217 Centre Street, New York, New York, pursuant
to Notice, taken before Judeen M. Denniston, a
reporter and Notary Public within and for the
State of New York.

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A p p e a r a n c e s :

On behalf of Plaintiff:

WYLIE STECKLOW, PLLC
217 Centre Street, 6th Floor
New York, New York 10013
BY: WYLIE STECKLOW, ESQ.
wylie@wylielaw.com

On behalf of Defendant:

NEW YORK LAW DEPARTMENT
CORPORATION COUNSEL
100 Church Street
New York, New York 10007
BY: ALISON MITCHELL, ESQ.
amitchel@law.nyc.gov

ALSO PRESENT:

JONI FORSTER-GALVIN, ESQ.
JOE STARKEY

* * * * *

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by
and between the attorneys for the respective
parties herein, that filing, sealing and
certification be and the same are hereby
waived.

IT IS FURTHER STIPULATED AND AGREED that
all objections, except as to the form of the
question shall be reserved to the time of
the trial.

IT IS FURTHER STIPULATED AND AGREED that
the within deposition may be signed and
sworn to before any officer authorized to
administer an oath, with the same force and
effect as if signed and sworn to before the
Court.

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MR. STECKLOW: The time is now 10:10 AM. We are going on the record in the deposition of Inspector Anthony Raganella both as a fact witness and a 30(B)(6) witness on behalf of the City of New York, pursuant to a deposition notice, dated March 6, 2017, somehow.

Can you now swear in the witness?

I'm sorry, before you start, we're here today in my office at 217 Center Street. We're with the court reporter whose name is?

COURT REPORTER: Judeen Denniston.

MR. STECKLOW: Judeen Denniston, and with the witness Mr. Raganella, with counsel Alison Mitchell, with counsel from the Police Department.

MS. FORSTER-GALVIN: Joni

1 A. RAGANELLA

2 Forster Galvin.

3 MR. STECKLOW: Joni
4 Forster-Gallagher.

5 MS. FORSTER-GALVIN:
6 Galvin.

7 ME. STECKLOW: Galvin, and
8 with an assistant of mine, Joe
9 Sharkey.

10 Please swear in the
11 witness.

12 COURT REPORTER:
13 Inspector, please raise your
14 right hand.

15 Do you promise the
16 testimony you're about to give
17 this morning is the whole
18 truth, nothing but the truth,
19 subject to the penalties of
20 perjury?

21 THE WITNESS: I do.

22 A N T H O N Y J . R A G A N E L L A, the
23 witness herein, having first been
24 duly sworn by a Notary Public of the
25 State of New York, was examined and

1 A. RAGANELLA

2 testified as follows:

3 COURT REPORTER: State
4 your name for the record,
5 please.

6 THE WITNESS: Anthony J.
7 Raganello.

8 COURT REPORTER: Spell
9 your last name for the record.

10 THE WITNESS: R-A-G-A-N-E-
11 L-L-A.

12 COURT REPORTER: State
13 your address for the record,
14 please.

15 THE WITNESS: Home
16 address? Work address?

17 MS. MITCHELL: Yes.

18 THE WITNESS: Current
19 command is 179 Wilson Avenue,
20 Brooklyn, New York.

21 COURT REPORTER: Thank
22 you.

23 First two questions are on
24 the record.

25 MR. STECKLOW: Thank you.

1 A. RAGANELLA

2 CROSS-EXAMINATION

3 BY MR. STECKLOW:

4 Q. What precinct is that address from?
5 179 Wilson.

6 A. Patrol Borough Brooklyn North.

7 Q. What is your current position
8 there?

9 A. Deputy Inspector in the Patrol
10 Borough, as a Duty Inspector.

11 Q. Where does that put you in the
12 hierarchy in the Patrol Borough of Brooklyn
13 North?

14 A. Above Captains and below Chiefs.

15 Q. How many Chiefs are assigned to the
16 PBBN?

17 A. Three.

18 Q. Who are they?

19 A. That would be Chief Madry
20 [phonetic] Chief Macavoy [phonetic] and
21 Chief Trabitiz [phonetic]

22 Q. How many other Deputy ... I'm
23 sorry. Are there any Inspectors there?

24 A. There are, I don't recall how many
25 though.

1 A. RAGANELLA

2 Q. How many DIs are there?

3 A. Myself and one other.

4 Q. Who's the other?

5 A. The other one is Deputy Inspector
6 Carrie Owen.

7 Q. I want to go through a history that
8 I believe is somewhat accurate of your time
9 at the Police Department, to see if we can
10 get through that quickly. I believe you
11 joined the Police Academy in June of '95,
12 is that accurate?

13 A. Correct.

14 Q. Your first assignment after the
15 Academy was at the 75?

16 A. Correct.

17 Q. You were in there from March '96 to
18 June '97?

19 A. That sounds right.

20 Q. Then you were assigned, at that
21 point, to your current command, although
22 you didn't stay consistently there, to the
23 Patrol Borough of Brooklyn North?

24 A. Yeah, it was the Taskforce.

25 Q. It was the Patrol Borough ...

1 A. RAGANELLA

2 A. Patrol Borough Brooklyn North
3 Taskforce.

4 Q. Taskforce, okay. You were there
5 until 2000, when you were promoted to
6 Sergeant and moved to the 111?

7 A. Correct.

8 Q. Then from 2000 to 2003, you were
9 then at the 111 as a Taskforce Sergeant, is
10 that right?

11 A. I left the 111 and went to Patrol
12 Borough Queens North Taskforce.

13 Q. Okay. You were there until you were
14 promoted to Lieutenant in 2003?

15 A. Correct.

16 Q. At that point, you were moved to
17 the 81?

18 A. Correct.

19 Q. You were there until you were
20 promoted to ... I'm sorry. You were there
21 until you were moved to the 79th in 2005?

22 A. Correct.

23 Q. Then you were there until you moved
24 to the Brooklyn North Taskforce again, in
25 2007?

1 A. RAGANELLA

2 A. As a Lieutenant, yes.

3 Q. You're promoted to Lieutenant and
4 moved there. Then you stayed there until
5 you made Captain, July 2, 2010, and moved
6 to DCU?

7 A. Correct.

8 Q. You stayed there until December 23,
9 2013, when you became a Deputy Inspector?

10 A. I continued there. I was promoted
11 within the assignment.

12 Q. When did you leave to go back to
13 Patrol Borough Brooklyn North?

14 A. February of this year.

15 Q. From July 2010 til February 2018,
16 you were at DCU?

17 A. Correct.

18 Q. You were promoted from Captain to
19 DI on December 23, 2013?

20 A. That's correct.

21 Q. Thank you. During your career, have
22 you received any commendations?

23 A. Yes.

24 Q. Can you tell me about them?

25 A. I believe I was awarded three

1 A. RAGANELLA

2 meritorious accommodations, and I believe
3 approximately 26 excellent police duties.

4 Q. Since there's so many excellents,
5 let's stick with the meritorious. Can you
6 tell me about those? When was the first one
7 you received?

8 A. I don't recall.

9 Q. Do you recall any of them?

10 A. No.

11 Q. You recall the number, but you
12 don't recall what they were for?

13 A. I would only be speculating if I
14 told you what they were for, unless I had
15 something that showed me what they were
16 exactly for. I wouldn't be able to tell you
17 with any certainty.

18 Q. Sure. Of the 29 commendations you
19 received, do you remember what any of them
20 were for?

21 A. Sure.

22 Q. Why don't you tell us what you
23 remember?

24 A. Gun arrest, VTL violations over a
25 period of time, kidnapping arrest, those

1 A. RAGANELLA

2 are the ones that jump off my mind at me.

3 Q. Were these commendations, when you
4 receive them, do you receive them in a
5 ceremony? Do you receive them just in the
6 mail? How are they given?

7 A. The supervisor does a written
8 request for them, through a process, and
9 then it goes before a committee, to decide
10 whether you're awarded them or not.

11 Q. When you are awarded them, is it
12 done in a ceremony or is it done where you
13 just receive it in the mail?

14 A. Not for those particular awards.
15 For higher awards in the Department, there
16 is a ceremony, but not for those.

17 Q. Have you ever been nominated for
18 one of the higher awards?

19 A. No.

20 Q. During your time at DCU, can you
21 give me your general responsibilities?

22 A. General responsibilities, I was the
23 commanding officer of the unit, both as a
24 Captain and a Deputy Inspector. My
25 responsibilities were to oversee the day to

1 A. RAGANELLA

2 day operations of the unit,
3 administratively and operationally, for
4 what goes on at the unit, policy procedure,
5 operations, and supervise the staff that's
6 there.

7 Q. How big is the staff that's there?

8 A. It varied over the seven plus years
9 that I was there. It went anywhere from
10 approximately four members of the service
11 up to 20 plus, before I had left.

12 Q. Was it four at the beginning and 20
13 when you left?

14 A. Correct.

15 Q. When you were there, it was a
16 smaller entity?

17 A. Correct.

18 Q. You helped build it up into a much
19 bigger entity?

20 A. I like to think so, yes.

21 Q. When you arrived, Lieutenant Shwock
22 [phonetic] if that's correct, was the
23 interim CO?

24 A. He was not there when I got there.
25 He had already retired.

1 A. RAGANELLA

2 Q. Prior to Lieutenant Shwock it was
3 Inspector Graham who was in charge of DCU?

4 A. Chief Graham.

5 Q. Chief Graham was in charge of DCU?

6 A. Yes, he was the commanding officer
7 prior to me, and then Lieutenant Shwock was
8 more or less an acting commanding officer
9 as a Lieutenant there in the interim.

10 Q. In between Lieutenant Shwock's
11 retirement and your appointment to DCU, do
12 you know who was running things there?

13 A. I don't understand the question.

14 Q. You had said previously that
15 Lieutenant Shwock retired before you went
16 to DCU, correct?

17 A. Correct.

18 Q. I'm asking you who was in charge
19 when he retired, before you got there?

20 A. It was a short amount of time, but
21 for the amount of time that it was, it was
22 Sergeant Jose Vega.

23 Q. Who stayed on with you when you
24 came in?

25 A. Correct.

1 A. RAGANELLA

2 Q. Was he your second in command
3 during your time at DCU?

4 A. I wouldn't say second. Well, when I
5 first got there, yes, because there were no
6 Lieutenants there, so he was the Sergeant.

7 Q. Did he stay with you during your
8 entire tenure there?

9 A. Yes, he did.

10 Q. Is he still at the DCU?

11 A. He is.

12 Q. What is his current title, his
13 current rank?

14 A. Sergeant Special Assignment.

15 Q. What does that mean, Sergeant
16 Special Assignment?

17 A. That he was promoted within the
18 rank of Sergeant, to a Special Assignment
19 designation.

20 Q. I understand that you're here for
21 a, in response to both a 30(B)(6) notice
22 and a fact notice, is that correct?

23 A. Correct.

24 Q. And that your 30(B)(6) is
25 specifically for the timeframe of 2011,

1 A. RAGANELLA

2 January 1, 2011 til September 17, 2012, is
3 that correct?

4 A. Yes.

5 MS. MITCHELL: It's August.
6 August of 2010.

7 THE WITNESS: That's when I
8 became the commanding officer of
9 DCU.

10 Q. The timeframe is limited to August
11 2010 until September 17, 2012.

12 A. '12.

13 Q. Your 30(B)(6) knowledge is limited
14 to Disorder Control Unit only, correct?

15 A. Correct.

16 Q. When we're looking at the position
17 notice, and we're going to look at certain
18 topics, it's understood between counsel
19 that you're going to be limited in your
20 answers, and that there's going to be other
21 witnesses produced, both for the timeframes
22 that aren't being covered here, that the
23 court has said can be covered, which I
24 think are both before this date and after
25 this date. I think it's also going to be

1 A. RAGANELLA

2 for a wider swath of knowledge for more of
3 the city municipality going ons.

4 Is that your understanding as well?

5 A. Yes.

6 Q. Because you're both a fact witness
7 and a 30(B)(6) witness, there's going to be
8 times where the answer is going to bind the
9 city, and there's going to be times where
10 the answer only binds you, is that
11 understood?

12 A. Yes.

13 Q. I think that because this is going
14 to overlap sometimes, we should at
15 different times make sure that we're on the
16 same page, as to what you're answering as.
17 If at any point you think there's a
18 distinction that needs to be made, I'd ask
19 that you say that.

20 A. Got it.

21 Q. You've been deposed, I believe at
22 least two other times, correct?

23 A. Correct.

24 Q. Is it more than two or is it just
25 those two that I know about?

1 A. RAGANELLA

2 A. Just those two.

3 Q. You've been told that, people ask
4 you are you ready to be deposed? Is there
5 anything that is going to impact your
6 ability to testify truthfully and honestly?
7 Have you taken any drugs? Have you not
8 taken something you're supposed to take? Is
9 there a prescription medication you haven't
10 taken? You know all of those questions,
11 correct?

12 A. Yes.

13 Q. Is there anything that you believe
14 has happened in the last 24 to 48 hours
15 that would impact your ability to testify
16 truthfully or honestly here today?

17 A. No.

18 Q. Let me first start with, when did
19 you first meet with any attorney in the
20 City Law Department about today's
21 deposition?

22 A. I don't recall.

23 Q. When was the last time you met with
24 somebody about today's deposition?

25 A. About a half hour ago.

1 A. RAGANELLA

2 Q. Before today, when was the last
3 time you met with somebody about today's
4 deposition?

5 A. Tuesday.

6 Q. Before Tuesday?

7 A. Monday.

8 Q. Before Monday?

9 A. Don't recall.

10 Q. Was there a time before Monday?

11 A. I don't recall.

12 Q. Is there anything that would
13 refresh your recollection?

14 A. Not that I can think of.

15 Q. Who was it that you met with on
16 Monday?

17 A. Alison Mitchell.

18 Q. Who was it you met with on Tuesday?

19 A. Alison Mitchell.

20 Q. Alison Mitchell is the attorney
21 sitting to your left, correct?

22 A. Correct.

23 Q. That's also the attorney you met
24 with earlier today, correct?

25 A. Correct.

1 A. RAGANELLA

2 Q. You see there's another attorney
3 sitting next to Ms. Mitchell, correct?

4 A. Yes.

5 Q. Have you met with that attorney
6 before today?

7 A. She was present for a short amount
8 of time on Monday, with myself and Alison.

9 Q. Prior to Monday, had you met with
10 her any other time?

11 A. Not that I recall.

12 Q. Were there any other attorneys that
13 you met with, other than the two in this
14 room?

15 A. Concerning this case?

16 Q. Yes.

17 A. Not that I recall, no.

18 Q. Are there any other attorneys that
19 you spoke with, if you didn't meet with
20 them, about this case?

21 A. No.

22 Q. Do you recall the first time you
23 spoke to anybody about this case?

24 A. No.

25 (Document marked Exhibit 1

1 A. RAGANELLA

2 for identification as of this
3 date by the reporter.)

4 Q. We're going to watch a little
5 video, and then we're going to talk about
6 the video. What I'm going to do is mark ...
7 This thumb drive has all the same videos as
8 the ones that we're going to watch. I'm
9 going to mark it as number I, and I'll move
10 it here. Can you come closer, and then your
11 attorney ...

12 MS. MITCHELL: Yeah, I'll
13 move.

14 Q. It's a somewhat long video, so
15 we'll just let it watch all the way
16 through.

17 A. Okay.

18 (Whereupon, the witness
19 was shown a video.)

20 (Back on the record.)

21 Q. The video cuts to when people are
22 being released from the precinct.

23 Inspector, were you able to watch
24 and observe that entire video?

25 A. Yes.

1 A. RAGANELLA

2 Q. Have you seen that video before?

3 A. No.

4 Q. Are you aware of that incident?

5 A. No.

6 Q. Do you have an opinion on what you
7 saw?

8 MS. MITCHELL: Objection.

9 You can answer.

10 A. No.

11 Q. Did what you see comport with the
12 policies and practices of the City of New
13 York, in relation to crowd control?

14 A. In what regard?

15 Q. Did that comport with the City of
16 New York's policies and practices in
17 relation to crowd control? Did you see any
18 crowd control necessary there?

19 A. From the small snippet of video
20 that I saw, at the exact moment that I was
21 watching it, no, but I don't know what
22 happened prior to that.

23 Q. Did that comport with the policies
24 and practices of the City of New York on
25 the management of pedestrian traffic?

1 A. RAGANELLA

2 A. I wasn't there, so I can't speak
3 for what that Captain, what he was doing. I
4 don't know what he saw and observed prior
5 to the video starting.

6 Q. Only from what you could observe on
7 this video, did you believe that the
8 Captain there and the way he handled it
9 comported with the policies and practices
10 of the City of New York in the management
11 of pedestrian traffic?

12 MS. MITCHELL: Objection.
13 You can answer.

14 A. From the parts of the video that I
15 saw, I did not see a need for moving
16 pedestrian traffic.

17 Q. From the part that you saw, do you
18 believe that the police conduct that day
19 comported with the City's policies and
20 practice concerning First Amendment rights
21 to speech and assembly?

22 MS. MITCHELL: Objection.
23 You can answer.

24 A. In what regard?

25 Q. Were they honoring people's rights

1 A. RAGANELLA

2 to free speech and assembly, or violating
3 people's rights to free speech and
4 assembly?

5 MS. MITCHELL: Objection.

6 You can answer.

7 A. I don't know what they were
8 speaking about, and I don't know what
9 happened during that whole time that, that
10 video was playing.

11 Q. You can see in that video, an
12 individual stated that they were there as
13 part of an Occupy the Bronx, to do a
14 general assembly. I think we can agree
15 that, that type of conduct is free speech,
16 protected by the First Amendment, correct?

17 MS. MITCHELL: Objection.

18 You can answer.

19 A. I can't answer that.

20 Q. Why can't you answer that?

21 A. Because I wasn't there. I didn't
22 see what they were speaking of or how it
23 was actually occurring.

24 Q. Okay. I'm saying that we didn't see
25 it, because it didn't occur, because the

1 A. RAGANELLA

2 police frustrated it before it could occur.
3 I'm asking you if individuals were seeking
4 to have a general assembly in that area, on
5 the sidewalk, in front of the community
6 garden, would that be an exercise of free
7 speech rights, protected by the First
8 Amendment?

9 MS. MITCHELL: Objection.
10 You can answer.

11 A. As long as they weren't committing
12 any offenses, yes.

13 Q. Did you see them committing any
14 offenses in the video that you observed
15 just now?

16 A. No.

17 Q. If they didn't commit any offenses
18 ... Withdrawn.

19 In the video that you saw, did the
20 police honor the First Amendment rights of
21 these individuals, or did they violate
22 them?

23 MS. MITCHELL: Objection.
24 You can answer.

25 A. From the small amount of video that

1 A. RAGANELLA

2 I saw during that time, and again, I didn't
3 see what happened before or after the video
4 stopped, I did not see any need for that.

5 Q. You believe from what you saw, they
6 violated these people's First Amendment
7 rights, is that correct?

8 MS. MITCHELL: Objection.
9 You can answer.

10 A. I can't answer that.

11 Q. Why can't you answer that?

12 A. Because, again, I wasn't there, so
13 I don't know exactly what went on.

14 Q. I'm asking you from what you
15 observed in this video. From what you just
16 testified to, they violated these people's
17 First Amendment rights to free speech,
18 isn't that correct?

19 MS. MITCHELL: Objection.
20 You can answer.

21 A. From what I saw on the video, there
22 was no need to move those people under the
23 circumstances of the few minutes that I saw
24 there.

25 Q. Did that conduct of the police

1 A. RAGANELLA

2 comport with the training that you give at
3 Disorder Control?

4 MS. MITCHELL: Objection.
5 You can answer.

6 A. From what I saw on the video, no,
7 it does not comport with the training.

8 Q. Did you observe the moments when an
9 individual police officer, who seemed to be
10 a Community Affairs Officer, because I
11 think he was wearing a light blue jacket,
12 started to speak to the news reporter?

13 A. Yes, I saw that part.

14 Q. Did that conduct comport with the
15 training of Disorder Control?

16 MS. MITCHELL: Objection.
17 You can answer.

18 A. We don't train on matters of media.

19 Q. You would agree that free press is
20 part of the First Amendment, correct?

21 A. Absolutely.

22 Q. That officer seemed to interrupt
23 the press while they were working to ask
24 questions, correct?

25 A. I don't know if it was an

1 A. RAGANELLA

2 interruption, but he did speak to her, yes.

3 Q. She was interviewing somebody at
4 the time that he started to speak to her,
5 correct?

6 A. Okay.

7 Q. That's her job, correct?

8 A. Yes.

9 Q. He started asking her questions
10 while she was doing her job, and asking her
11 about a press pass, correct?

12 A. Correct.

13 Q. Does that comport with the training
14 at Disorder Control?

15 MS. MITCHELL: Objection.
16 You can answer.

17 A. There are times where members of
18 the service are required to ask for press
19 credentials, yes.

20 Q. Did this moment in time that you
21 could observe in the video comport with the
22 times when you believe somebody from the
23 Police are supposed to ask for a press
24 pass?

25 MS. MITCHELL: Objection.

1 A. RAGANELLA

2 You can answer.

3 A. From what I saw in that small
4 window of time, no.

5 Q. Are you aware that at least two
6 elected officials complained about this
7 incident and brought it to the attention of
8 the Commissioner of the NYPD?

9 MS. MITCHELL: Objection.

10 You can answer.

11 A. I'm unaware of that.

12 Q. During the time that we're here
13 for, which I believe is August 2010 til
14 September 17, 2012, you were solely in
15 charge of Disorder Control and the training
16 that Disorder Control gave, correct?

17 A. Correct.

18 Q. If an update to training was
19 needed, you would either tell somebody you
20 believed that was so, or somebody would
21 come to you and say an update was needed,
22 correct?

23 A. Correct.

24 Q. During that time period, was any
25 update to the training needed?

1 A. RAGANELLA

2 A. In regard to what specifically?

3 There's always updates that are done and
4 revisions to lesson plans, yes.

5 Q. Sure. Do you recall any specific
6 updates to training between August 2010 and
7 September 17th of 2012?

8 A. No.

9 Q. Do you recall any updates to
10 training regarding assembly or free speech
11 rights in that timeframe?

12 A. No.

13 Q. Having seen this video, if that in
14 fact showed the full conduct and the full
15 scope of what was going on, would you
16 believe that an update to training would be
17 required for those individual police
18 officers?

19 MS. MITCHELL: Objection.

20 You can answer.

21 A. Yes, to those specific members.

22 Q. If somebody had brought this video
23 to your attention during the timeframe
24 we're talking about, would you have
25 suggested to anybody that perhaps an update

1 A. RAGANELLA

2 to training, regarding free speech rights,
3 is necessary?

4 MS. MITCHELL: Objection.

5 A. Not generally, no. To those
6 particular officers, possibly re-
7 instruction.

8 Q. Okay.

9 MS. FORSTER-GALVIN: Can
10 we just have a moment?

11 MR. STECKLOW: Sure.

12 (Whereupon, a short recess
13 was taken.)

14 (Back on the record.)

15 BY MR. STECKLOW:

16 Q. Just to be clear, you're not here
17 to talk about any Academy training,
18 correct?

19 A. Correct.

20 Q. You're not here to talk about any
21 leadership training, correct?

22 A. Correct.

23 Q. You're only here to talk about
24 Disorder Control training, correct?

25 A. Correct.

1 A. RAGANELLA

2 Q. I think this may be redundant, but
3 I'm going to ask it again, just so I have
4 it properly asked. Were the arrests that
5 ... Withdrawn.

6 Within that video, we saw a couple
7 of arrests being made, correct?

8 A. Yes.

9 Q. Were those arrests consistent with
10 the Disorder Control training?

11 MS. MITCHELL: Objection.

12 You can answer.

13 A. I don't understand what you mean.

14 Q. From what you could observe in the
15 video, were those arrests consistent with
16 the training that you gave at Disorder
17 Control?

18 A. I still don't understand. I don't
19 understand what you mean.

20 Q. Do you believe there was probable
21 cause to effectuate those arrests?

22 A. I wasn't there, so it's impossible
23 for me to answer that question.

24 Q. Did you see probable cause in the
25 video that we just watched for the arrests

1 A. RAGANELLA

2 that were made in that video?

3 MS. MITCHELL: Objection.

4 You can answer.

5 A. No.

6 Q. Those arrests were not consistent
7 with the training you give at Disorder
8 Control, about when it's appropriate to
9 make an arrest in that situation, for the
10 video you saw, correct?

11 MS. MITCHELL: Objection.

12 You can answer.

13 A. Our training dictates that we make
14 arrests when there's probable cause.

15 Q. You just testified there was not
16 probable cause, from what you could see in
17 that video, correct?

18 A. From what I could see.

19 Q. Those arrests did not comport with
20 the training you give regarding probable
21 cause, correct?

22 A. Again, I wasn't there to see if
23 there was probable cause.

24 Q. From what you could see on the
25 video, those arrests did not comport with

1 A. RAGANELLA

2 the training Disorder Control gives about
3 probable cause, correct?

4 MS. MITCHELL: Objection.
5 You can answer.

6 A. I can't answer that.

7 Q. For the video that you could watch,
8 those arrests did not comport with the
9 training you give at Disorder Control
10 regarding probable cause, correct?

11 MS. MITCHELL: Objection.
12 You can answer.

13 A. The training we give at Disorder
14 Control Unit, again, is based on probable
15 cause. I can't testify or answer as to what
16 those officers saw, as far as probable
17 cause.

18 Q. I'm asking you for what you could
19 observe of this video. You've already
20 testified that you didn't observe any
21 probable cause in the video for the arrest,
22 correct?

23 A. From the part of the video that I
24 saw, I did not see probable cause.

25 Q. I'm asking you, does that mean that

1 A. RAGANELLA

2 these arrests for the conduct that you
3 could observe in the video, these arrests
4 did not comport with the training you gave
5 at Disorder Control, regarding proper
6 arrest and probable cause, correct?

7 MS. MITCHELL: Objection.

8 You can answer.

9 A. Again, I did not see probable cause
10 on the video. I can't testify as to what
11 the officers saw.

12 Q. I'm not asking you to.

13 A. Okay.

14 Q. I'm asking you to testify as to
15 what you could observe in the video and
16 whether those arrests comported with the
17 training you give at Disorder Control for
18 probable cause?

19 MS. MITCHELL: Objection.

20 You can answer.

21 A. I did not see probable cause.

22 Q. Did it comport with the training
23 you give at Disorder Control?

24 MS. MITCHELL: Objection.

25 You can answer.

1 A. RAGANELLA

2 A. I don't train on probable cause.
3 That's not part of our training.

4 Q. Disorder Control does not do any
5 training on probable cause for arrest?

6 A. That's done at the Police Academy
7 during recruit training.

8 Q. In that video that we watched, did
9 you see any riotous conduct?

10 MS. MITCHELL: Objection.

11 You can answer.

12 A. From the portion of the video that
13 I saw, I did not see riotous behavior or
14 conduct.

15 Q. Did you see any clear and present
16 danger of public disorder?

17 MS. MITCHELL: Objection.

18 You can answer.

19 Q. In the video we just watched.

20 A. I did not, no.

21 Q. In that video that we observed,
22 could pedestrians pass without significant
23 inconvenience?

24 MS. MITCHELL: Objection.

25 You can answer.

1 A. RAGANELLA

2 A. From what I saw, it seemed that
3 pedestrians could pass.

4 Q. Does Disorder Control train on
5 substantial impedance of the public, in
6 regard to sidewalk?

7 A. I don't understand the question.

8 Q. I'm trying to understand, you just
9 decided that you didn't see people blocking
10 the sidewalk, that pedestrians could walk,
11 correct?

12 A. Correct.

13 Q. I think that there's a standard
14 that mere inconvenience is not sufficient,
15 it has to be some substantial impedance, in
16 order for a protest to crossover from legal
17 to illegal, correct?

18 A. Correct.

19 Q. I'm asking if that training occurs
20 at Disorder Control, about where that
21 crossover occurs, between merely
22 inconveniencing a pedestrian and
23 substantially impeding a pedestrian?

24 A. It's impossible to train on that.

25 Q. Why is that?

1 A. RAGANELLA

2 A. There's so many different varied
3 circumstances and dynamics. One situation
4 doesn't apply to another situation.

5 Q. How are officers trained to make
6 these decisions when they're out in the
7 field?

8 A. At a demonstration or a protest, or
9 on normal patrol?

10 Q. Demonstration or protest.

11 A. At a demonstration or a protest,
12 they're going to use either their
13 discretion, along with their supervisor, or
14 a member of our legal bureau would be there
15 to guide them.

16 Q. The Disorder Control training is
17 both for the rank and file officers, as
18 well as people above the police officer
19 rank, correct?

20 A. Correct.

21 Q. You just talked about how a
22 supervisor would be somebody who might give
23 guidance. How are the supervisors trained
24 in where that distinction comes between
25 merely inconvenienced and substantially

1 A. RAGANELLA

2 impeding?

3 A. That would be the same answer as I
4 gave before.

5 Q. Can you give it again? I'm asking
6 specifically about the supervisors. You
7 said the supervisors would be on scene to
8 help the POs make these decisions.

9 A. Correct.

10 Q. How is it the supervisors are
11 trained in that knowledge?

12 A. The supervisors, when we're doing
13 Disorder Control work or crowd management
14 and crowd control, there's a team led
15 concept that goes into that, where police
16 officers will act as a team, and not
17 necessarily take action, unless directed by
18 a supervisor. If a supervisor believes that
19 there's a substantial disruption, they can
20 instruct the officers to make the arrests.

21 Q. How are those supervisors trained
22 to understand when there's substantial
23 disruption compared to merely
24 inconveniencing?

25 A. That's something they would get

1 A. RAGANELLA

2 through training at the Police Academy,
3 when they learn about disorderly conduct
4 and probable cause.

5 Q. That training takes place during
6 the cadet period, not later on, correct?

7 A. Recruit period, yes.

8 Q. Recruit period, like you said.

9 A. Right.

10 Q. That's not training supervisors get
11 as they rise through the ranks. That's
12 something done at the Academy during their
13 recruit time, correct?

14 A. Again, I can't, as far as training
15 is concerned, there's no cookie cutter
16 approach to being able to dictate what
17 probable cause means for disorderly
18 conduct, when it comes to blocking
19 vehicular or pedestrian traffic. There's no
20 defined term on that, as far as when you
21 have probable cause.

22 Q. It's your belief that, that
23 training doesn't take place because it is
24 impossible to take place?

25 MS. MITCHELL: Objection.

1 A. RAGANELLA

2 You can answer.

3 A. We can give examples of how it
4 happens and how it occurs, and we do, but I
5 can't stand in front of a classroom and
6 tell officers, "This is in fact when you
7 have probable cause for disorderly
8 conduct," unless I'm giving them an example
9 of what it looks like and how it takes
10 place.

11 Q. Is that training you give? Those
12 examples?

13 A. There are examples that are given,
14 yes.

15 Q. Is that training that Disorder
16 Control gives?

17 A. Yes.

18 Q. In which documents are those
19 examples found?

20 A. That would be something that my
21 instructors would discuss with them.

22 Q. It's not something that's in a
23 writing, it's something that's part of a
24 discussion?

25 A. Correct.

1 A. RAGANELLA

2 Q. In which component of Disorder
3 Control training does that discussion take
4 place?

5 A. During mass arrest techniques.

6 Q. The mass arrest techniques, is that
7 a classroom setting or is that part of a
8 mobile exercise setting outside the
9 classroom?

10 A. It could be both.

11 Q. For the time period between August
12 2010 and September 17th of 2012, which one
13 was it?

14 A. Both.

15 Q. Is that documented somewhere, about
16 whether or not it's a classroom or it's a
17 mobile exercise outside of the classroom?

18 A. Not that I'm aware of.

19 Q. When the mobile exercises took
20 place on Randall's Island, are there
21 classrooms on Randall's Island for these
22 instructions to take place in a classroom
23 setting?

24 A. No.

25 Q. For sure, any of the mobile

1 A. RAGANELLA

2 exercises that occurred on Randall's
3 Island, this stuff wasn't taught in a
4 classroom setting or discussed, correct?

5 A. I didn't say that. It was
6 discussed, not in a classroom setting
7 though

8 Q. Even when it's not in a classroom
9 setting, it's still discussed?

10 A. Yes.

11 Q. Were you aware that the New York
12 Civil Liberties Union also sent a letter to
13 Commissioner Kelly, raising concerns about
14 the police aggressively dispersing people
15 standing lawfully on city sidewalks, and
16 urging the NYPD to do a better job of
17 writing warnings to Occupy Wall Street
18 protestors... unlawfully parading in
19 streets or blocking sidewalks?

20 MS. MITCHELL: Objection.
21 You can answer.

22 A. No, I was not aware of that.

23 Q. Okay. I'm going to mark this as,
24 I'm going to put these together since
25 they're similar, and make it II. Exhibit II

1 A. RAGANELLA

2 is Bates stamped D14888 through 14896, as
3 well as D15187 through 15195.

4 (Document marked Exhibit 2
5 for identification as of this
6 date by the reporter.)

7 Q. I'd ask you to look at that and
8 tell me if you've seen it before. The top
9 ones are documents related to a complaint
10 by City Council Member Jessica Lappin,
11 considering the video we just saw. The
12 second set of pages is the complaint by
13 State Senator Liz Krueger, about the same
14 video of the incident in the Bronx.

15 A. Thank you. (Witness perusing
16 document.)

17 MR. STECKLOW: While you
18 are doing that, I have a
19 question for counsel on the
20 record, which is these
21 documents indicate that there
22 was an Internal Affairs
23 investigation opened, and I
24 don't believe we received any
25 Internal Affairs records

1 A. RAGANELLA

2 concerning this complaint.
3 Obviously, that would be
4 responsive to our request. My
5 belief is there are no
6 documents, and I just want to
7 make sure that, that's an
8 accurate belief.

9 MS. MITCHELL: Regarding
10 this specific investigation?

11 MR. STECKLOW: Both
12 letters complain about this
13 incident in the Bronx that we
14 just watched the video of. Both
15 responses by Commissioner Kelly
16 state that this has been
17 referred to Internal Affairs
18 and there's an investigation.
19 We've never received any of
20 those documents. We've asked
21 for them. My belief is it
22 doesn't exist, but before I
23 rely upon that belief, I'd like
24 to be sure about it.

25 MS. MITCHELL: I don't

1 A. RAGANELLA

2 believe that you made a
3 specific request for Internal
4 Affairs investigations. We can
5 have a discovery dispute on the
6 record, but I don't think that,
7 that would be a beneficial use
8 of your time.

9 MR. STECKLOW: That's at
10 least clearing it up for me,
11 that you don't believe that
12 this has been requested. It's
13 not that it doesn't exist, it
14 hasn't been ...

15 MS. MITCHELL: Well, let
16 me cache that with there are
17 five sets of documents demands
18 in this case, and I don't have
19 all of them in front of me or
20 my notes in front of me.

21 MR. STECKLOW: Okay.

22 MS. MITCHELL: I would not
23 be prepared to answer that
24 question off the cuff.

25 MR. STECKLOW: Fair

1 A. RAGANELLA

2 enough. That's why I wanted to
3 ask the question, because I
4 wanted to understand whether
5 it's been sought and hasn't
6 been found, or hasn't been
7 sought, and it seems like we're
8 not sure. You and I will
9 discuss this off the record.

10 MS. MITCHELL: I would say
11 if you'd like to have a
12 discovery discussion related to
13 that specific request, we could
14 do that at a later date and
15 time. I'm perfectly happy to do
16 that. I'm not prepared to have
17 that discussion right now.

18 MR. STECKLOW: Great.

19 (Whereupon, a short recess
20 was taken.)

21 (Back on the record.)

22 Q. Have you ever seen these documents
23 before?

24 A. I have not.

25 Q. You haven't been aware of these

1 A. RAGANELLA

2 complaints before?

3 A. I was not.

4 Q. To your knowledge is disorder
5 control training updated based on these
6 complaints?

7 MS. MITCHELL: Objection.

8 You can answer.

9 A. I don't understand your question.

10 Q. Was disorder control training
11 updated based on the complaints that you
12 just reviewed?

13 A. No.

14 Q. Those complaints concerned the
15 conduct of the video that we just observed,
16 correct?

17 A. I believe so, yeah.

18 (Document marked Exhibit 3
19 for identification as of this
20 date by the reporter.)

21 Q. So, I'm going to show you what's
22 marked as, I think, it's exhibit three, and
23 ask you to review that.

24 A. (Witness perusing document.)

25 Q. Let me know after you've had a

1 A. RAGANELLA

2 chance to see it. Do you recognize that
3 document?

4 A. Yes.

5 Q. Is it from disorder control
6 training?

7 A. Yes.

8 Q. Is it a document ... Is the
9 information onto something that you
10 created?

11 A. Not myself personally, my staff.

12 Q. But under your instruction?

13 A. It's possible that this was a pre-
14 existing lesson plan prior to my arrival,
15 but it was something that I reviewed.

16 Q. It was something that you continued
17 to utilize, correct?

18 A. Correct.

19 Q. It gives a definition of what a
20 riots situation is, correct?

21 A. I don't understand your question.

22 Q. This is a PowerPoint screen,
23 correct?

24 A. Correct.

25 Q. This is utilizing in some classroom

1 A. RAGANELLA

2 setting of disorder control training,
3 correct?

4 A. Correct.

5 Q. In the mass arrest component that
6 we discussed previously, correct?

7 A. Correct.

8 Q. In this PowerPoint, it says, "Riots
9 situation - violent civil disorder." So,
10 it's defining what a riots situation is,
11 correct?

12 A. It's giving an example of a riots
13 situation, yes.

14 Q. Okay. And it's giving us an example
15 because it's trying to help members of the
16 service distinguish what a mass arrest is
17 concern to what a riots situation is,
18 correct?

19 A. That's correct.

20 Q. So, mass arrest is the situation
21 where demonstrators wish to be arrested and
22 are being passive, correct?

23 A. Correct.

24 Q. So, that's not when people don't
25 wish to be arrested, and they're not

1 A. RAGANELLA

2 engaging in civil disobedience. Is it your
3 words here mass arrest means people intend
4 to be arrested?

5 MS. MITCHELL: Objection.

6 You can answer.

7 A. No, there are a lot of times where
8 we make multiple arrest for people not
9 wanting to be arrested.

10 Q. Okay. When it says, "A mass arrest
11 is a situation where demonstrators wish to
12 be arrested," you're saying this is just an
13 example of it? It's not definition of it?

14 A. That's correct.

15 Q. Okay. So, there are other examples
16 of mass arrest?

17 A. I don't understand your question.

18 Q. Are there other examples of mass
19 arrest, other than what you've defined on
20 this PowerPoint?

21 A. I don't have a definition of it,
22 no.

23 Q. Okay. Are there other examples of
24 riots situation, other than what's
25 identified here?

1 A. RAGANELLA

2 A. It could be.

3 Q. Do you train on other examples?

4 A. Possibly using different words, but
5 that's a synopsis of what we use.

6 Q. So, disorder control training, in
7 the most basic way, states that a riots
8 situation is a violent civil disorder,
9 correct?

10 A. That's an example. It's not a
11 definition.

12 Q. Okay. So, what are other examples
13 of riots situation that are not violent
14 civil disorder?

15 A. A riot, by definition, is a
16 statutorily defined event consisting of a
17 certain number or people engaging in
18 certain behavior. So, this is just an
19 example of a riots situation to let the
20 students know this is different than this
21 example of a mass arrest.

22 Q. You said that a riots situation is
23 defined by the number of people and their
24 conduct? Is that right?

25 A. Correct.

1 A. RAGANELLA

2 Q. So, what kind of conduct can be a
3 riots situation that's distinguish from a
4 violent civil disorder?

5 MS. MITCHELL: Objection.
6 You can answer.

7 A. People engaging in property damage,
8 or multiple people engaging in assaults to
9 other people.

10 Q. Assault to other people would still
11 be violent, correct?

12 A. Could be.

13 Q. It can be nonviolent assaults?

14 A. I don't know. I would have to think
15 about it.

16 Q. But to a riots situation, this term
17 violent civil disorder is a fairly good
18 general idea of what it is, correct?

19 A. Absolutely.

20 Q. And that's why you're training the
21 uniform member service on that, correct?

22 A. Correct.

23 Q. We're going to watch another video
24 now. I'd like you to watch it to the end,
25 and then we'll discuss it.

1 A. RAGANELLA

2 MS. MITCHELL: This is
3 plaintiff one?

4 MR. STECKLOW: This is all
5 plaintiff one, yes.

6 (Whereupon, the witness
7 was shown a video.)

8 (Back on the record.)

9 Q. Inspector Raganella, have you ever
10 seen that video before?

11 A. No.

12 Q. Did you recognize the area?

13 A. Yes.

14 Q. Where was that?

15 A. It appeared to be the perimeter of
16 Zuccotti Park in lower Manhattan.

17 Q. How many arrests were you able to
18 observe in that video?

19 A. I saw two.

20 Q. How many pedestrians did you
21 observe in that video that were not part of
22 the police or the group of protestors?

23 MS. MITCHELL:

24 Objection.

25 You can answer.

1 A. RAGANELLA

2 A. There's no way for me to know that.

3 Q. Did you see any pedestrians walking
4 by?

5 MS. MITCHELL:

6 Objection.

7 You can answer.

8 A. Not that I recall.

9 Q. Did the two arrests that you
10 observe comport with the training of
11 disorderly control, from what you can see
12 on the video?

13 MS. MITCHELL: Objection.

14 You can answer.

15 A. In what regard?

16 Q. We've already established that you
17 don't train on probable cause. I can't ask
18 about that, correct?

19 MS. MITCHELL: Objection.

20 You can answer.

21 A. You can ask about it. I just don't
22 know that ... I can't tell you what their
23 probable cause was. I can't testify as to
24 what that officer saw.

25 Q. Okay. From what you could observed,

1 A. RAGANELLA

2 did you see probable cause for an arrest?

3 MS. MITCHELL: Objection.

4 You can answer.

5 A. During that time period of the
6 video that I saw, I did not see probable
7 cause.

8 Q. Did you see any clear and present
9 danger of public disorder?

10 MS. MITCHELL: Objection.

11 You can answer.

12 A. During the period that I saw the
13 video, no.

14 Q. Do you train on clear and present
15 danger?

16 A. Yes.

17 Q. Disorder control training. That
18 training is part of when an arrest can be
19 made, or when a protest can be moved on the
20 sidewalk and pushed somewhere else? Is that
21 correct?

22 A. That's part of it, yes.

23 Q. Did the arrest and the conduct from
24 what you could see in this video comport
25 with the training of the clear and present

1 A. RAGANELLA

2 danger of when an arrest can be made for
3 sidewalk protest?

4 MS. MITCHELL: Objection.

5 You can answer.

6 A. From the part of the video that I
7 saw, no.

8 Q. Did you hear a couple of warnings
9 of clear the sidewalk?

10 A. Yes.

11 Q. Do you train in disorder control
12 training on when it's appropriate to clear
13 a sidewalk?

14 MS. MITCHELL: Objection.

15 You can answer.

16 A. Not when it's appropriate to do it,
17 but how to do it is more of what we train
18 on.

19 Q. Where does the training take place
20 on when an officer is authorized to clear a
21 sidewalk?

22 A. That would be a discretionary
23 matter up to the incident commander on
24 scene.

25 Q. Do you know where the incident is

1 A. RAGANELLA

2 trained on that issue?

3 MS. MITCHELL: Objection.

4 You can answer.

5 A. Again, just discretion probable
6 cause is all the matters that are taught at
7 the police academy.

8 Q. During the recruit training,
9 correct?

10 A. Correct.

11 Q. Did you see any substantial
12 impedance of any pedestrians in the video
13 you just watched?

14 MS. MITCHELL: Objection.

15 You can answer.

16 A. The portion that I saw, no I did
17 not.

18 Q. So, in the training that you give
19 as part of your mass arrest about
20 substantial impedance, would that be an
21 example of when an arrest could be made or
22 could not be made?

23 A. If I were to use that as an example
24 on that clip of timeframe that I saw, that
25 would not be an arrest situation.

1 A. RAGANELLA

2 Q. If this video had been brought to
3 your attention, would you have updated the
4 disorder control training concerning these
5 issues?

6 A. No.

7 Q. Why is that?

8 A. I'm very happy with the way our
9 training and policy is on mass arrest.

10 Q. Okay. Now, I'm talking specifically
11 about sidewalk and substantial impedance
12 and clear and present danger, of which
13 we've discussed that what we saw in the
14 video, the officers did not act within line
15 of the training that you give, correct?

16 A. Based on what I saw, no.

17 Q. Okay. I'm asking you if you believe
18 the training need to be updated, and you
19 say it does not, correct?

20 A. That is correct.

21 Q. Do you believe these officers would
22 need an update of refresher course in the
23 training?

24 A. Without speaking to them, I
25 wouldn't be able to answer that.

1 A. RAGANELLA

2 Q. Based on what you could observe in
3 the video.

4 MS. MITCHELL: Objection.
5 You can answer.

6 A. Based solely on what I saw in the
7 video without speaking to them, or knowing
8 the background of the situation prior to
9 what I saw on the video, I would say no.

10 Q. You saw that last individual who
11 seemed to have a hoodie on being pulled out
12 of the back and being arrested?

13 A. Yes.

14 Q. Do you believe that there was
15 anything that you could see in the video
16 that gave cause for that arrest?

17 MS. MITCHELL: Objection.
18 You can answer.

19 A. From what I saw on the video, using
20 that solely, no.

21 Q. So, do you believe the officers
22 there were following the training they had
23 been given by disorder control in making
24 those arrest?

25 MS. MITCHELL: Objection.

1 A. RAGANELLA

2 You can answer.

3 A. The way that they affected the
4 arrest seem to comport with our procedures.

5 Q. You're talking about specifically
6 the way they handled the body once the
7 arrest decision had been made?

8 A. Which is what we train on, yes.

9 Q. I'm asking about the decisions to
10 make the arrest, and handling the sidewalk
11 protest, did the officers follow the
12 training of DCU in regards to those topics.

13 MS. MITCHELL: Objection.

14 You can answer.

15 A. We don't give training on those
16 topics. That's under the preview of an
17 incident commander's discretion.

18 Q. That training, again, takes place
19 at the academy during their recruit time,
20 correct?

21 A. There's also training that happens
22 in service with incident commanders during
23 tabletop exercises and such, where that may
24 become a topic of conversation, but it's
25 not something that I can specifically point

1 A. RAGANELLA

2 to to say that that particular incident
3 commander received that type of training.

4 (Document marked Exhibit 4
5 for identification as of this
6 date by the reporter.)

7 Q. Okay. Now, I'm going to mark as
8 exhibit four, some images. I'm going to ask
9 you to look at this and let me know when
10 you've had a chance to do so.

11 A. (Witness perusing document.)

12 Q. Have you ever seen these images
13 before?

14 A. Not that I recall.

15 Q. Do you recognize anybody?

16 A. I do not.

17 Q. Do you recognize the white shirt?

18 A. I do not.

19 Q. Do you know who Edward Winski
20 [phonetic] is?

21 A. Yes.

22 Q. Okay. Having been told that's
23 Edward Winski, does that refresh your
24 memory as who it is? Pull it up on the
25 screen please.

1 A. RAGANELLA

2 A. It's hard from the photos to say
3 that that's [crosstalk]...

4 Q. ... on the computer for you. I'm
5 sorry for over-speaking. I have him on the
6 computer, so I'll make it easier.

7 A. Thanks.

8 Q. All right. We're now looking at the
9 second of the third image. Does that make
10 it easier for you to see who it is?

11 A. Yes.

12 Q. Do you recognize him? Is it?

13 A. That appears to be Edward Winski,
14 yes.

15 Q. Okay. Do you recognize the
16 location?

17 A. No.

18 Q. Do you see barriers set up in these
19 images?

20 A. I do.

21 Q. In the third image, do you see two
22 barriers set up?

23 A. I do.

24 Q. One seems to be against the
25 building, and the other one seems to be a

1 A. RAGANELLA

2 portion on the sidewalk.

3 A. Yes, sir.

4 Q. Does that comport with the training
5 of DCU to set up barriers to give the
6 protestors a place to march?

7 A. Yes, sir.

8 Q. And not block the entire sidewalk?

9 A. Yes.

10 Q. Do you see where the police are
11 standing in the photos?

12 MS. MITCHELL: Objection.

13 You can answer.

14 A. Are we speaking about police
15 officers uniformed or plain clothes?

16 Q. All.

17 A. Yes, I see where they're standing.

18 Q. Okay. Is that in the street?

19 A. It appears to be on the ... Well,
20 depending on which photo we're looking at.

21 Q. Let's look at the middle one.

22 A. It appears that they are in the
23 street if that is a street.

24 Q. So, why did the police create a
25 narrow passageway for a large group of

1 A. RAGANELLA

2 people while occupying a larger passageway
3 that seems to be unused by vehicles.

4 MS. MITCHELL: Objection.
5 You can answer.

6 A. There's multiple reasons why that
7 may happen.

8 Q. Okay. So, let's go through those.

9 A. Okay. When we set up barriers ...
10 From what I'm seeing in the third photo, it
11 seems that there's a barrier up against the
12 building one, and another barrier on what
13 appears to be the sidewalk. Those two
14 barrier lines, I should say, are
15 adjustable, meaning at a moments notice
16 with the amount of officers needed, those
17 barrier lines could be moved and adjusted
18 to allow for more restricted flow or
19 increase flow of pedestrians within the
20 barrier line.

21 Based on what I'm seeing here, I
22 don't know if that's a public roadway or
23 not, if vehicles travel up and down that
24 roadway. It appears to be like Belgium
25 block roadway. So, I don't know. I see a

1 A. RAGANELLA

2 line. In the first photo and the second
3 photo actually, I see what appears to be a
4 black iron gate on the other side. That
5 doesn't look like something that the police
6 department would put up [crosstalk]...

7 Q. The black iron gate looks to be in
8 the middle of the roadway, correct?

9 A. Right, which is why I
10 [crosstalk]...

11 Q. ... are parallel with the roadway,
12 correct?

13 A. Correct, which is why I suggest or
14 inquire as to whether this is a publicly
15 accessible roadway or not for vehicles to
16 travel down.

17 Q. If it's not a publicly accessible
18 roadway, is there a reason why the police
19 would put the protestors in such a narrow
20 passageway while keeping such a large
21 passageway for themselves to stand in?

22 A. Yes.

23 Q. What is that?

24 A. It's depending upon the number of
25 protestors or demonstrators that are

1 A. RAGANELLA

2 present. The incident commander will make a
3 determination as of what size or width of
4 barriers are needed to accommodate the
5 number of people that are there, while also
6 on the opposite side where the police are
7 standing, allow free passage for officers
8 and other uninvolved pedestrians to move up
9 and down. If it is a roadway where vehicles
10 can get through, we need to allow enough
11 room for public safety vehicles or just
12 regular vehicles to get through.

13 Q. Okay. If we ... I want you to
14 understand this individual was eventually
15 arrested, and I'd like for you to accept
16 the fact he was charged with disorderly
17 conduct of blocking pedestrian traffic.

18 MS. MITCHELL: Objection.

19 A. Okay.

20 Q. Can you, by looking at these three
21 images, understand how he could possibly be
22 blocking pedestrian traffic?

23 MS. MITCHELL: Objection.

24 You can answer.

25 A. Just based on what I'm seeing in

1 A. RAGANELLA

2 the photos?

3 Q. Yes.

4 A. I don't see him ... Based on three
5 snaps of a photo, I don't see him blocking
6 pedestrian or vehicular traffic.

7 Q. Okay. Do you have an understanding
8 of what Ed Winski's role at Occupy Wall
9 Street or withdrawn.

10 Do you have an understanding of the
11 role Inspector Winski played in policing
12 Occupy Wall Street?

13 A. No.

14 Q. Do you know where his commander was
15 during the time of Occupy Wall Street?

16 A. I do not.

17 Q. You don't know that he was the
18 commanding officer of the first precinct at
19 that time period?

20 A. I recall him being commanding
21 officer of the first precinct. I'm not sure
22 as to the timeframe of when that occurred,
23 if that was during that time of those
24 photos, or even during the time of Occupy
25 Wall Street.

1 A. RAGANELLA

2 Q. Are you aware of where Occupy Wall
3 Street occurred?

4 A. Yes.

5 Q. Was it generally within the
6 confines of the first precinct
7 jurisdiction?

8 A. Occupy Wall Street occurred
9 worldwide.

10 Q. I'm talking about New York City's
11 Occupy Wall Street and when it occurred
12 here. Did it generally occur within the
13 confines of the first precinct?

14 A. The focal point, as we call it, for
15 Occupy Wall Street in New York City was
16 Zuccotti Park.

17 Q. As well as marches from Zuccotti
18 that would go downtown into the financial
19 district, correct?

20 A. That's correct.

21 Q. And those were all within the
22 confines of the first precinct, correct?

23 A. Wall Street, yes. I'm not sure
24 about the jurisdiction of Zuccotti Park.
25 That might be the first precinct also.

1 A. RAGANELLA

2 Q. Did DCU conduct any specific
3 training for the first precinct officers
4 that would be assigned to Occupy Wall
5 Street?

6 A. I'm not sure of what you're asking.

7 Q. Was there specific training for the
8 officers of the first precinct that were
9 assigned to Occupy Wall Street?

10 A. Specific to Occupy Wall Street or
11 trained in general? I don't understand the
12 question.

13 Q. Specific to the first precinct
14 officers being trained because they were
15 going to be policing constitutional
16 activity at Occupy Wall Street.

17 A. We did training for officers in
18 regard to demonstrations and protest. I
19 can't say that it was specific to Occupy
20 Wall Street.

21 Q. In the trainings you did, were
22 there mobile exercises?

23 A. That was one training that we did,
24 yes.

25 Q. What are the other trainings that

1 A. RAGANELLA

2 you did for these officers in
3 demonstrations?

4 A. Mobilization exercises. We also did
5 training for impact officers. We also did
6 training for officers that were assigned to
7 CRV. We also did tabletop exercises. We did
8 functional exercises. There's a multitude
9 of different types of training that the
10 Disorder Control Unit conducts.

11 (Document marked Exhibit 5
12 for identification as of this
13 date by the reporter.)

14 Q. I'm going to mark as exhibit five,
15 demonstration lesson plan. I'm going to ask
16 you to review that and let me know when you
17 get a chance to do so.

18 MS. MITCHELL: Objection.
19 You can answer.

20 A. (Witness perusing document.) Now.

21 Q. Is this something planned from the
22 academy?

23 A. It appears to be.

24 Q. So, there's nothing in here that
25 would be utilized as disorder control?

1 A. RAGANELLA

2 A. I don't understand your question
3 when you say utilize.

4 Q. Well, I'm being told by your
5 counsel it's beyond the scope because this
6 doesn't have to do with the timing or for
7 disorder control. If disorder control
8 utilizes this lesson plan, or the
9 information in it, then it's not beyond the
10 scope. So, I'm asking if disorder control
11 utilizes this lesson plan or the
12 information in it in its training?

13 A. No, it did not.

14 Q. I'd like to ask you to look at page
15 one. It's been marked as what is number one
16 at the bottom. Page one. They list five
17 performance objectives. The second one
18 states that the primary police role at
19 demonstrations is to maintain order and
20 prevent delays to non-demonstrators. Is
21 that a performance objective that was
22 taught at disorder control?

23 MS. MITCHELL: Objection.

24 You can answer.

25 A. That is one of the objectives that

1 A. RAGANELLA

2 we teach, yes.

3 Q. And you teach that the primary
4 police role at demonstrations is to
5 maintain order and prevent delays to non-
6 demonstrators.

7 A. That is not what we teach.

8 Q. What do you teach?

9 A. The primary role at any police
10 event is to protect life.

11 Q. Okay. So, do you agree or disagree
12 that the primary police role at
13 demonstrations is to maintain order and
14 prevent delays to non-demonstrators?

15 A. I would disagree with that.

16 Q. Okay. If we remove the concept of
17 protecting life, and say that's always the
18 first thought for police, outside of that,
19 would you agree or disagree that the
20 primary police role in a demonstration is
21 to maintain order and prevent delays of
22 non-demonstrators?

23 MS. MITCHELL: Objection.

24 You can answer.

25 A. No.

1 A. RAGANELLA

2 Q. No, you would agree or no you
3 would ...

4 A. I would disagree that that's the
5 primary role.

6 Q. What is the primary role outside of
7 protecting life at demonstrations?

8 A. Protecting locations.

9 Q. And does that mean protecting
10 property?

11 A. Protecting property.

12 Q. Okay. So, protecting life,
13 protecting property. Would you then agree
14 that the next primary goal is as stated
15 here is to maintain order and prevent
16 delays to non-demonstrators?

17 A. After protecting life and after
18 protecting property, I would say that next
19 role that is important would be protecting
20 the rights of both the demonstrators and
21 the non-involved citizens.

22 Q. Okay. So, the way it's stated here,
23 it does say protecting the demonstrators,
24 right? It only says maintain order and
25 prevent delays to non-demonstrators.

1 A. RAGANELLA

2 A. You believe that's an incorrect
3 performance objective?

4 MS. MITCHELL: I'm going
5 to object to why you're
6 questioning this. This is an
7 academy training document, and
8 he's here to testify about DCU
9 training from August 2010 to
10 September 2012. He has told you
11 that this is not a document
12 that DCU gives.

13 MR. STECKLOW: Okay. I'm
14 just trying to understand DCU's
15 view of a specific line in this
16 item.

17 Q. So, you can answer the question.

18 A. Repeat the question.

19 Q. You disagree that one of the
20 polices primary role of the demonstrations
21 is to solely maintain order and prevent
22 delays to non-demonstrators. Do you believe
23 that it has to be balanced with honoring
24 the demonstration in some fashion?

25 A. I do.

1 A. RAGANELLA

2 MS. MITCHELL: Can we
3 take a quick bathroom
4 break?

5 MR. STECKLOW: Sure.
6 The time is now 11:37, and
7 we're going to take a
8 quick break.

9 (Whereupon, a short
10 recess was taken.)

11 (Back on the record.)

12 MR. STECKLOW: The
13 time is now 11:42.

14 We're still in my
15 office at 273 Center
16 Street. We are with each
17 of the same individuals we
18 identified earlier, and we
19 are back on the record.

20 Q. Inspector Raganella, are orders to
21 disperse written down?

22 A. They could be.

23 Q. Are they handed out prior to days
24 of large protests?

25 A. Sometimes.

1 A. RAGANELLA

2 Q. Are there different types of orders
3 to disperse?

4 A. Yes.

5 Q. Do some of them provide an
6 alternative place to protest?

7 A. I don't understand the question.

8 Q. Do some orders to disperse provide
9 an alternative place that people can go to
10 protest?

11 A. They could.

12 Q. Okay. When in a sidewalk protest
13 would such an order be necessary?

14 MS. MITCHELL: Objection.
15 You can answer.

16 A. I don't understand the question.

17 Q. You said that an order to disperse
18 can contain a separate location to continue
19 to protest, correct?

20 A. Correct.

21 Q. So, in a sidewalk protest, when
22 would such an order be necessary?

23 A. If it was a substantial disruption
24 on the sidewalk, and demonstrators needed
25 to be moved, they would be given an order

1 A. RAGANELLA

2 to disperse, or to move to another location
3 if an accommodation was made for them.

4 Q. So, that's my question. When is
5 that accommodation being made? Withdrawn.

6 Is that something that disorder
7 control trains on?

8 A. No, it is not.

9 Q. So, they don't train on the
10 distinction between when an order to
11 disperse should contain an alternative
12 location to protest and when it does not to
13 contain such an alternative location to
14 protest, correct?

15 A. That is correct.

16 Q. Do you know where that training
17 does take place, if at all?

18 A. I do not know where that takes
19 place.

20 (Document marked Exhibit 6
21 for identification as of this
22 date by the reporter.)

23 Q. Okay. You see what I've marked as
24 plaintiff exhibit six, which are the RMC
25 legal guidelines Bates stamped 15270 to

1 A. RAGANELLA

2 15304.

3 A. (Witness perusing document.)

4 Q. I understand that these are prior
5 to the dates that we're discussing here, so
6 I'm not going to ask you about the RMC. I
7 am going to ask you about specific papers
8 from them. I would like you to look at page
9 15284. Before we get to that, do you know
10 whether or not there was any legal
11 guidelines for Occupy Wall Street created
12 by the NYPD?

13 A. Not that I'm aware of.

14 Q. The document you're looking at, are
15 the legal guidelines created for the
16 Republican National Convention in 2004 in
17 New York City, correct?

18 A. Correct.

19 Q. Do you have any idea why the police
20 did not create legal guidelines to police
21 Occupy Wall Street?

22 A. I do not know why.

23 Q. Is it your understanding that the
24 Republican National Convention lasted three
25 or four days.

1 A. RAGANELLA

2 A. Correct.

3 Q. Occupy Wall Street lasted in
4 Zuccotti Park almost 60 days, and in New
5 York City probably close to a year. Is that
6 accurate?

7 A. Seems reasonable, yeah.

8 Q. But then NYPD did not create real
9 guidelines for the Occupy Wall Street?

10 A. Not that I'm aware of.

11 Q. Now looking at page 15284 of the
12 RMC legal guidelines, there is at the top,
13 sub A is masks. This is on their chapter
14 two demonstrator tactics specific types of
15 conflict, correct?

16 A. Correct.

17 Q. In that under-subdivision A mask,
18 it talks about how the police can make an
19 arrest because there's a recent case that
20 says that's still constitutional to arrest
21 people if more than two of them are wearing
22 masks in public, correct?

23 A. This is under A, correct?

24 Q. Yes.

25 A. Okay. Yes.

1 A. RAGANELLA

2 Q. Okay. So, this is the NYPD
3 instructing its officers that they can make
4 an arrest for two people wearing masks, and
5 that federal courts have recently upheld
6 these arrests as constitutionally
7 compliant, correct?

8 A. That's not the way I read that.

9 Q. How do you read that?

10 A. To me, it says when persons
11 congregate in a public place with at least
12 two other similarly disguised or masked.
13 So, to me that means three.

14 Q. Okay. So, it's updating in telling
15 officers they can make arrests if three
16 people are masked in public, even at a
17 protest, correct?

18 A. Correct.

19 (Document marked Exhibit 7
20 for identification as of this
21 date by the reporter.)

22 Q. I'm now going to show you what's
23 going to be marked as plaintiff seven,
24 which is Bates stamped D14658 through
25 14660. This I call the Jones Memo.

1 A. RAGANELLA

2 A. (Witness perusing document.)

3 Q. This document is dated December
4 2007, correct?

5 A. Yes.

6 Q. It concerns an update to penal law
7 24020 Sub-5, correct?

8 A. Yes.

9 Q. In the RMC guidelines, what we just
10 looked at, was an update to penal law 24034
11 Sub-4, correct?

12 A. 24035 Sub-5, correct.

13 Q. Do you know if an update concerning
14 24020 Sub-5 of the case law that is
15 contained in plaintiff exhibit seven made
16 its way into any legal guideline for the
17 police department as related to Occupy Wall
18 Street?

19 A. I do not know that.

20 Q. Did it make its way into any
21 training for disorder control during Occupy
22 Wall Street?

23 A. We received copies of this material
24 in the disorder control unit. What is your
25 question?

1 A. RAGANELLA

2 Q. So, you've seen this document
3 before?

4 A. I'm sure I have.

5 Q. Okay. Did you incorporate this
6 document into disorder control training?

7 A. I don't know.

8 Q. What could you do to find out?

9 A. I would have to review lesson plans
10 to see if this particular topic is even
11 mentioned in the training.

12 Q. Which lesson plan would you review?

13 A. Most likely either our legalities
14 at demonstrations or protesting, or mass
15 arrest lesson plan.

16 Q. I'd like to look at 15310.

17 A. 153...

18 Q. 310.

19 A. 310.

20 Q. I want to ask you this question.

21 Remind me if that you've not answered the
22 prior question. Does disorder control train
23 about arrest warnings?

24 A. Yes.

25 Q. Does disorder control train about

1 A. RAGANELLA

2 dispersal orders?

3 A. Yes.

4 Q. Does disorder control train about
5 dispersal orders that contain an
6 alternative location to protest?

7 A. Not specifically, no.

8 Q. Looking at 15310, are these
9 warnings that are trained at disorder
10 control?

11 A. I don't know that this specific
12 warning is trained or used by disorder
13 control.

14 Q. There's two warnings there,
15 correct?

16 A. I don't understand the question.

17 Q. There are two specific warnings or
18 there. Are they not?

19 A. There's multiple warnings here.

20 Q. Okay.

21 A. There's more than two.

22 Q. On that page there's three?

23 A. On 15310, I see the second half of
24 a warning from the previous page, and one
25 warning regarding disorder conduct.

1 A. RAGANELLA

2 Q. Okay. So, there's two warnings
3 there.

4 A. No, there's one and a half.

5 Q. There's one and a half warnings
6 there. Does this disorder control thing
7 [crosstalk]... Looking at the page report
8 as well, does disorder control train on
9 both of those?

10 A. I don't understand your question.

11 Q. I'm asking if you trained on these
12 specific warnings at disorder control?

13 MS. MITCHELL: You think
14 you could identify which part
15 of the page you're asking him
16 about?

17 Q. So, there's two warnings if you
18 look at the prior page and this page,
19 correct?

20 A. Yes.

21 Q. Okay. Do you train on the first
22 one?

23 A. In what regard?

24 Q. Do you train those warnings at
25 disorder control?

1 A. RAGANELLA

2 A. We disseminate warnings at disorder
3 control. We don't write them specifically,
4 but we disseminate them, and they are
5 discussed during training.

6 (Document marked Exhibit 8
7 for identification as of this
8 date by the reporter.)

9 Q. Thank you.

10 I'm now going to hand you what has been
11 marked as plaintiff's eight.

12 A. (Witness perusing document.)

13 Q. I'm going to ask you if this is the
14 lesson plan that you discussed earlier
15 about possibly containing the information
16 from the Jones Memo called Legalities of
17 Protest and Demonstrations.

18 A. Yeah.

19 Q. Is this the one that was in effect
20 during the relevant time period that we're
21 discussing today?

22 A. No.

23 Q. Is that because it seems like it
24 was updated most recently in June of 2014?

25 A. Correct.

1 A. RAGANELLA

2 Q. If the Jones Memo was updated into
3 the lesson plan, it would still be in this
4 document, correct?

5 A. Could be.

6 Q. Do you see it in here?

7 A. From my first review of this, I do
8 not see anything regarding disorderly
9 conduct in here specifically.

10 Q. There is something in there about
11 case law or decisions effecting how a
12 person and their rights, and policing a
13 person and their rights occur, correct?

14 A. Correct.

15 Q. But there's no specific case cited
16 at all in that, correct?

17 A. Correct.

18 Q. Okay. Going back to plaintiff's
19 seven, the Jones Memo, do you know how this
20 is issued...

21 A. Yes.

22 Q. How is that?

23 A. Through what we called command
24 level training in the individual commands
25 and units of the department.

1 A. RAGANELLA

2 Q. Can you explain to me what that
3 means?

4 A. Sure. So, the police academy will
5 issue a training memo. Usually, I believe,
6 they come out monthly on different topics,
7 and then it is disseminated through what we
8 call training sergeants in the individual
9 units and commands who will go to the
10 police academy, pick up the training
11 material, be taught on it, and then
12 translate those lessons to the members of
13 the service.

14 Q. Those lessons are taught at the
15 command level during roll call?

16 A. Usually, yes.

17 Q. How much time is usually focused on
18 it during roll call?

19 A. It varies. 15 minutes to a half
20 hour, 45 minutes possibly.

21 Q. But if there's multiple trainings
22 or other things going on, it's a shorter
23 amount of time? It's not an hour of class.
24 It's not focused attention. It's at the
25 command level. During roll call, a training

1 A. RAGANELLA

2 sergeant will review something, correct?

3 MS. MITCHELL: Objection.

4 You can answer.

5 A. There's no way of me knowing that.

6 Q. Okay. Is there any other way that
7 this was disseminated to the members of the
8 service, holding up the Jones Memo? We're
9 talking about plaintiff's seven.

10 A. I'm unaware of ... Not saying that
11 there aren't other ways that it could've
12 been, not that I'm aware of. I wouldn't
13 know. Can we take a two-minute break?

14 Q. Absolutely.

15 A. Because mother nature decided to
16 call at a different time than everybody
17 else.

18 MR. STECKLOW: It's 11:58.
19 We're going to take a short
20 break.

21 (Whereupon, a short recess
22 was taken.)

23 (Back on the record.)

24 MR. STECKLOW: All right
25 Alison, it's 12:00. Should we

1 A. RAGANELLA

2 continue?

3 MS. MITCHELL: Yes.

4 MR. STECKLOW: Do you want
5 to stop for lunch soon? I mean
6 this is obviously going the
7 full seven hours. What do you
8 guys prefer?

9 MS. MITCHELL: I really
10 leave it up to you two. I feel
11 like the burden is really on
12 the reporter and the witness
13 answering the questions. When
14 would you like to take a lunch?
15 Do you want to keep going?

16 THE WITNESS: I'm not
17 starving yet.

18 MS. MITCHELL: You want to
19 go for like another hour, so
20 maybe around 1:00?

21 THE WITNESS: Let's check
22 again around 1:00.

23 MS. MITCHELL: Okay, all
24 right. Let's do that.

25 MR. STECKLOW: Okay.

1 A. RAGANELLA

2 MS. MITCHELL: This is a
3 side note. Are these videos
4 that plaintiffs have produced?

5 MR. STECKLOW: All of them
6 have either been produced or
7 available publicly. So far, the
8 ones we've seen have been
9 produced.

10 MS. MITCHELL: Okay.

11 MR. STECKLOW: Right,
12 because the Gothamist one, I
13 think I pointed it out to you
14 guys, and it was part of that
15 list of cases.

16 I want to watch the full
17 one first and then go into the
18 other one. From this list,
19 this one is, where are we? This
20 is the Bronx one we saw. These
21 are the photos that we just
22 saw, with Winski in it. This is
23 the video we saw of the
24 sidewalk in front of the...

25 MS. MITCHELL: Okay.

1 A. RAGANELLA

2 MR. STECKLOW: Now we're
3 going to watch something from
4 this date. We'll get to the
5 time that I want it to start.

6 MS. MITCHELL: Sure.

7 BY MR. STECKLOW:

8 Q. I'm going to have you watch a video
9 now, we're going to watch a bit of it, then
10 I'll stop it and then ask you some
11 questions about it, as I ask it. Sorry, one
12 second.

13 MR. STECKLOW: The time is
14 now 12:05. We have all the same
15 individuals in my office at 217
16 Center Street, along with
17 Inspector Raganella. We're
18 about to watch another video
19 from Plaintiff's Exhibit I.

20 Q. Inspector Raganella, I would like
21 you to watch this video. We're going to
22 watch a portion of it, and then at the end,
23 we're then going to ask some questions, and
24 we'll go from there.

25 Okay, start the video.

1 A. RAGANELLA

2 (Whereupon, the witness
3 was shown a video.)

4 MR. STECKLOW: We're
5 stopping the video at 12:49.

6 Q. Inspector, were you able to observe
7 that video?

8 A. Yes.

9 Q. Are you familiar with that
10 incident?

11 A. I do not have a recollection of it.

12 (Document marked Exhibit 9
13 for identification as of this
14 date by the reporter.)

15 Q. I'm going to mark as the next
16 exhibit, a document that is Bates stamped
17 starting at D13492. We're now on, I
18 believe, Exhibit IX. I believe this is
19 called an unusual incident report. It
20 relates to the incident we were just
21 observing.

22 Review that and let me know if
23 you've ever seen it before.

24 A. (Witness perusing document.) Do you
25 need me to review it or are you just asking

1 A. RAGANELLA

2 if I've ever seen it before?

3 Q. I'm asking if you've ever seen it
4 before.

5 A. No.

6 Q. In relation to this incident, did
7 the NYPD update any of its training at
8 Disorder Control?

9 A. Not that I'm aware of.

10 Q. From the video you could see, was
11 their substantial impedance of pedestrians
12 prior to the police and the protestors
13 stopping at the corner, towards the end of
14 the video?

15 MS. MITCHELL: Objection.
16 You can answer.

17 A. From what I've seen during the time
18 period on that video, prior to that point,
19 it did not appear to be substantial
20 disruption.

21 Q. Did you see any clear and present
22 danger present in any of this video?

23 MS. MITCHELL: Objection.
24 You can answer.

25 A. Based solely on the view from the

1 A. RAGANELLA

2 camera, no.

3 Q. From the view that you could see on
4 this video, did the NYPD prevent and forbid
5 one or more protestors, who were not at
6 that point under arrest and who requested
7 to leave the protest ... Withdrawn.

8 From what you could observe in the
9 video, did the NYPD prevent any of these
10 protestors who are not yet under arrest and
11 who had asked to leave from leaving?

12 A. I did not witness that, no.

13 Q. Did you witness any of the
14 protestors who were asking to leave being
15 allowed to leave?

16 A. Yes.

17 Q. Were you able to observe any of
18 them actually leaving?

19 A. Yes.

20 Q. Who was that? Which ones were they?

21 A. Which ones what?

22 Q. Were able to leave.

23 A. It appeared to me that all of them
24 were given an egress to what would be their
25 left.

1 A. RAGANELLA

2 Q. I agree that the officer said to
3 leave in that direction. They were not
4 allowed to leave in that direction. It may
5 not be obvious from the video.

6 A. It's not.

7 Q. Why don't we play the other one, of
8 Sarah showing that? I'm going to show you
9 another video that's taken at the same
10 time, of a legal observer who went to each
11 spot, asking officers if she was able to
12 leave. I'm going to ask you to accept that,
13 that is temporally the same time, and then
14 I'll ask you questions on that.

15 MS. MITCHELL: Objection.

16 Q. Is it starting?

17 (Whereupon, the witness
18 was shown a video.)

19 MR. STECKLOW: Stopping
20 the video at 1:32.

21 Q. You can see from this video, I
22 believe that was within the same timeframe,
23 because you saw some of the same people.
24 You saw that one individual who was the
25 first male arrested, was not yet arrested,

1 A. RAGANELLA

2 but was subsequently taken by the police in
3 this video, correct?

4 MS. MITCHELL: Objection.

5 A. It's hard for me to tell if that's
6 the same location.

7 Q. You didn't see the same players in
8 this? The same individuals?

9 A. I saw some of the same individuals,
10 yes, and some of the same police officers,
11 yes.

12 Q. With that, we can, I hope, take the
13 understanding that even if you can't know
14 for sure, I'm going to say for purposes of
15 these questions, please understand that
16 this is the same location, the same time.

17 MS. MITCHELL: Objection.

18 Q. Did this video indicate that even
19 though they were being given a path of
20 egress, they were being told ... Withdrawn.

21 Did this video explain that even
22 though they were being instructed to a path
23 of egress to your left, as you stated
24 earlier, they weren't being allowed that
25 path of egress?

1 A. RAGANELLA

2 MS. MITCHELL: Objection.

3 You can answer.

4 A. That's not what I saw.

5 Q. Can you look and see the two framed
6 images up on the wall?

7 MS. MITCHELL: Objection.

8 Q. I'm asking if you can see those
9 from here.

10 A. Yes, I can see them.

11 Q. Those are settlements for these
12 arrests. The largest settlement for Occupy
13 Wall Street was based on this conduct of
14 the police.

15 MS. MITCHELL: Objection.

16 Q. Because these individuals were not
17 allowed to leave. They weren't given a path
18 of egress, even they were told to. I'd like
19 you to accept that as a fact for these
20 questions, even if you can't see it from
21 the video.

22 A. Sir, you're asking me to accept
23 something that I don't see.

24 Q. Yes, I am.

25 A. You can't do that.

1 A. RAGANELLA

2 Q. I'm asking you for the questions
3 we're about to ask, you to accept the fact
4 that the police did not give these people a
5 path of egress.

6 MS. MITCHELL: Objection.
7 You can answer.

8 Q. There's an objection, but you can
9 still answer the questions.

10 Do you train, at Disorder Control,
11 on giving proper orders to disperse,
12 including a path of egress?

13 A. Yes.

14 Q. If a path of egress is not given,
15 as I indicated it was not in this video,
16 would that be against the training of
17 Disorder Control?

18 A. I thought we just agreed that they
19 were given a path of egress. They were
20 instructed to exit to the left. I heard one
21 of the demonstrators say, "Exit to the
22 left."

23 Q. Yes, everyone said that. What I'm
24 saying is that was verbal, it wasn't
25 physical. Physically, they were not given

1 A. RAGANELLA

2 the path to exit. They were told there's a
3 path to exit. When they went there, the
4 officers would not let them. That's why one
5 of the protestors said, "This officer right
6 here told us we could exit this way." The
7 officers were not letting them out. I'm
8 asking you just to accept that as part of
9 this question. If that is true, does that
10 comport with Disorder Control training?

11 MS. MITCHELL: Objection.

12 You can answer.

13 A. If that is true, which I'm not
14 saying that it is, no, that would not
15 comport.

16 Q. Because under the order to
17 disperse, has to be a clear path and time
18 to exit, correct?

19 A. No.

20 Q. Why would that not comport if that
21 is true?

22 A. Because there are times that we can
23 instruct crowds to disperse, but not
24 necessarily point them in a direction to
25 disperse. It depends on the environment

1 A. RAGANELLA

2 that we're in.

3 Q. In this type of environment, where
4 you had police officers at one end of the
5 block, you had scooters at the other end of
6 the block, you had a wall on one side, and
7 you also had scooters and police on the
8 fourth side, on the street side. In that
9 setting, in order to give people a place to
10 disperse and a proper order to disperse,
11 they would need to give a direction,
12 correct?

13 MS. MITCHELL: Objection.
14 You can answer.

15 A. No.

16 Q. What should the police have done in
17 that setting? What would be within the
18 training of Disorder Control?

19 MS. MITCHELL: Objection,
20 calls for speculation.
21 You can answer.

22 A. From what I've seen on the video, I
23 think that the police officers that were
24 there on scene did what they were trained
25 to do.

1 A. RAGANELLA

2 Q. The police stopped the protestors
3 as they were marching on the street,
4 correct? On the sidewalk ... Withdrawn.

5 The police stopped the protestors
6 as they were marching on the sidewalk,
7 correct?

8 A. Correct.

9 Q. Was that comporting within the
10 training of Disorder Control?

11 A. Yes.

12 Q. Why is that?

13 A. Because there are times where we
14 have to redirect or reroute crowds.

15 Q. What was going on in this incident,
16 that you could see in the video, that made
17 it appropriate to redirect that group of
18 protestors?

19 A. I do not know.

20 Q. If there was no reason for it ...
21 Withdrawn.

22 Give me some examples of why it
23 would be appropriate to redirect.

24 A. There may be instances where we
25 have to redirect crowds away from a public

1 A. RAGANELLA

2 safety issue, away from a crime scene, away
3 from something, a vulnerable or critical
4 location that we don't want tumultuous
5 crowds going to. That's a possibility of
6 why we may redirect crowds.

7 Q. Was this a violent crowd from what
8 you could see in this video?

9 MS. MITCHELL: Objection.
10 You can answer.

11 A. From the clip that I saw, they did
12 not appear to be violent at that point.

13 Q. Was it a riotous crowd from the
14 video you could see?

15 MS. MITCHELL: Objection.
16 You can answer.

17 A. No.

18 Q. Are there any instances, other than
19 what you've explained already, where a non-
20 riotous, non-violent crowd, needs to be
21 redirected, if there's not a safety issue?

22 A. If there's not a safety issue, if
23 we need to prevent them from going onto
24 private property, that could be another
25 reason.

1 A. RAGANELLA

2 Q. Did it seem in this video that they
3 are marching onto private property?

4 MS. MITCHELL: Objection.
5 You can answer.

6 A. I don't know what was behind or on
7 the other side of that police line, so I
8 can't answer that.

9 Q. That was the intersection of Second
10 Avenue and 13th Street. They were marching
11 north on Second Avenue, on the East side,
12 on the sidewalk.

13 MS. MITCHELL: Objection.
14 You can answer.

15 Q. Was there anything in the video you
16 could see that would give the police the
17 authorization to stop that march?

18 A. Based solely on what I saw on the
19 video, I did not see anything, no.

20 Q. Did you hear the dispersal order
21 being given by the officer, at the
22 beginning of the police interaction with
23 the individuals?

24 A. Yes.

25 Q. Did the officer tell people they

1 A. RAGANELLA

2 were blocking pedestrian traffic?

3 A. I recall him saying that, yes.

4 Q. From your view of the video, were
5 the pedestrian protestors blocking
6 pedestrian traffic?

7 MS. MITCHELL: Objection.

8 You can answer.

9 A. At the point that they were bunched
10 up and not egressing to the left, yes, they
11 were blocking pedestrian traffic.

12 Q. His order came prior to that
13 moment, correct?

14 A. Which order?

15 Q. Withdrawn.

16 You saw these individuals marching
17 on the sidewalk, correct?

18 A. Correct.

19 Q. You saw them prior to the time the
20 police stopped them on the corner, correct?

21 A. Correct.

22 Q. Prior to that moment, were they
23 blocking pedestrian traffic when they were
24 marching on the sidewalk?

25 A. They didn't appear to be, no.

1 A. RAGANELLA

2 Q. Their blockage only occurred once
3 the police stopped them, correct?

4 A. That's not what I said.

5 Q. They were marching, they were not
6 impeding pedestrian traffic, correct?

7 A. Correct.

8 Q. You said that the blockage occurred
9 once the announcement was given, and they
10 were all bunched up where the police were,
11 correct?

12 A. That's not what I said.

13 Q. Tell me where the blockage occurs.

14 A. The blockage occurs when the police
15 form a line to stop the crowd from getting
16 to a certain point, and we reroute them.
17 Once they bunch up and we redirect the
18 crowd, that egress is to the left, and they
19 refuse to move, at that point they're
20 blocking pedestrian traffic.

21 Q. It's only if they refuse to move
22 and exit to the left would they be blocking
23 pedestrian traffic.

24 A. Correct.

25 Q. How much time should they be given

1 A. RAGANELLA

2 to exit?

3 A. That's discretionary, up to the
4 incident commander on the scene.

5 Q. Is that trained at Disorder
6 Control?

7 A. No.

8 Q. Prior to Occupy Wall Street, the
9 NYPD was aware that it was going to occur
10 downtown in September of 2011, correct?

11 A. Restate the question.

12 Q. Prior to September 17, 2011, when
13 Occupy Wall Street began in the financial
14 center, the NYPD was aware that there was
15 organizing efforts for that protest
16 movement, correct?

17 A. I believe so, yes.

18 Q. You were specifically aware of it,
19 correct?

20 A. Yes.

21 Q. In fact, you had received emails
22 from other people about it, and you had
23 been communicating with other members of
24 the NYPD about it, correct?

25 A. Yes.

1 A. RAGANELLA

2 Q. How much before September 17, 2012,
3 did you become aware of these efforts to
4 organize Occupy Wall Street?

5 A. I don't know.

6 Q. Do you think it was a day? A month?
7 A year? How best can you describe it?

8 A. You're asking me to approximate.

9 Q. Yes.

10 A. Weeks.

11 (Document marked Exhibit
12 10 for identification as of
13 this date by the reporter.)

14 Q. Thank you. Now I'm going to show
15 you what's being marked as Exhibit X.

16 A. Do you need this back?

17 Q. Exhibit X, which is Bates stamped
18 19460 through 19462. I'll ask you to look
19 at that and let me know if you've seen it
20 before.

21 A. (Witness perusing document.)

22 Q. By the name of John Rogers, on
23 September 12, 2011, correct?

24 A. Correct.

25 Q. Who's John Rogers?

1 A. RAGANELLA

2 A. John Rogers was a Lieutenant, and I
3 don't recall where he was assigned.

4 Q. Okay. In this, he was trying to
5 give you a heads up that Occupy Wall Street
6 was coming, correct?

7 A. Information on it, yes.

8 Q. Had you spoken to him in any
9 fashion, communicated with him in any way
10 about it, prior to this email?

11 A. I do not recall.

12 Q. In this email, you tell him that
13 you already knew about this, and to quote
14 it, "10 of these idiots did a test run a
15 couple weeks ago and they all got collared
16 within five minutes," correct?

17 A. That's what it states, yes.

18 Q. Those are your words, correct?

19 A. Correct.

20 Q. When you say they did a test run a
21 couple weeks ago, what did you mean by
22 that?

23 A. I don't recall.

24 Q. Do you recall people being arrested
25 a few weeks prior to September 12, 2011,

1 A. RAGANELLA

2 protesting in the financial center?

3 A. I do, but I don't recall the
4 location or what they were arrested for. I
5 do know that it came to my attention that
6 people were arrested prior to this.

7 Q. How was it brought to your
8 attention?

9 A. I don't recall how.

10 Q. Did this knowledge that Occupy Wall
11 Street was coming, not necessarily what's
12 in this particular email, but your general
13 knowledge it was coming, did that elicit
14 any specific update to Disorder Control
15 training?

16 A. No.

17 Q. Did that create any specific
18 Disorder Control training that wasn't
19 previously scheduled?

20 A. At this time, no.

21 Q. Did it change any training that was
22 previously scheduled?

23 A. No.

24 Q. You just, in your prior answer,
25 modified it to say not at this time,

1 A. RAGANELLA

2 meaning September 12, 2011, correct?

3 A. Correct.

4 Q. Did there come a time when Occupy
5 Wall Street and the existence of it did
6 create an update to Disorder Control
7 training?

8 A. Not specifically the quality or
9 method of training, but the quantity of
10 training did increase, yes.

11 Q. We're talking about, I think, the
12 mobile exercises?

13 A. Yes, but we had increased it at the
14 Disorder Control Unit when I took command
15 back in 2010. There was an immediate
16 increase, which was long before Occupy Wall
17 Street started, there was an immediate
18 increase in the amount of mobilization
19 exercises and training that we were doing,
20 which was part of my vision for the
21 Disorder Control Unit. It wasn't
22 specifically related to Occupy Wall Street,
23 that the increase in training was taking
24 place. That was already being done prior to
25 this.

1 A. RAGANELLA

2 Q. Why did you think it was necessary
3 to increase the amount of training, the
4 volume of training at Disorder Control?

5 A. I have a training background. From
6 my perspective, you can never train enough.
7 Any moment that we're not actually doing
8 police work is an opportunity to train and
9 practice, to continually make ourselves
10 more effective and efficient at what we're
11 doing.

12 Q. Is it your belief that the training
13 that's done at the recruit level isn't
14 sufficient and that additional training is
15 required thereafter?

16 A. As I stated, you can never train
17 enough.

18 Q. Is part of the reason that over the
19 course of time, people's memories fade, and
20 refresher courses are needed in order to
21 refresh people as to the training that
22 they've already had.

23 MS. MITCHELL: Objection.
24 You can answer.

25 A. Yes.

1 A. RAGANELLA

2 Q. Is it also because things change,
3 laws change, tactics change, and therefore
4 updates to training need to be taught as
5 well?

6 A. That's possible, yes.

7 Q. Now you said that once Occupy came,
8 at some point, you increased the volume of
9 mobile X training, correct?

10 A. Mobex.

11 Q. Mobex training, which I believe
12 stands for mobilization exercises?

13 A. Exercises, correct.

14 Q. If I mangle those words, please
15 correct me. You stated that the volume of
16 Mobex training increased because Occupy
17 Wall Street came to be, is that correct?

18 A. No.

19 Q. Tell me what you meant by that?

20 A. The volume of Mobex's increased
21 from the moment that I took over the
22 Disorder Control Unit in 2010.

23 Q. I asked you before if the training
24 changed at all ... Withdrawn.

25 I asked you before if the training

1 A. RAGANELLA

2 had been updated at all, because of Occupy
3 Wall Street, you said no. I asked you if it
4 had been increased or changed in any
5 fashion because of Occupy, you said not at
6 this time, and we agreed that was because
7 the date on that was September 12, 2011.
8 Then you said later on, because of Occupy,
9 the number of mobile Mobex trainings
10 increased, is that accurate or no?

11 A. I clarified it by saying that it
12 started immediately upon me taking over
13 command of Disorder Control Unit, that
14 those training exercises increased in
15 quantity.

16 Q. Right, but that was from 2010,
17 correct? You took over in 2010?

18 A. Correct.

19 Q. We're now talking about September
20 2011. During September 2011 and September
21 2012, did the volume of Mobex trainings
22 increase?

23 A. Yes.

24 Q. Was that in part due to Occupy Wall
25 Street?

1 A. RAGANELLA

2 A. Because of the movement that was
3 going on, I'm sure that had some bearing on
4 the need to make time for training, yes.

5 Q. Was there another reason why the
6 volume of training increased between
7 September 2011 and September 2012?

8 A. Yes.

9 Q. What were the other reasons?

10 A. Because that's what I wanted.

11 Q. This is based on your request?

12 A. That the training increased in
13 cooperation with the Chief of Patrol and
14 the Chief of Department, yes.

15 Q. Who was the Chief of Patrol at the
16 time?

17 A. Chief Paul.

18 Q. Who was the Chief of Department at
19 the time?

20 A. Chief Esposito, which is the reason
21 why I was brought into the Disorder Control
22 Unit, is to increase the amount of training
23 and the quality of training.

24 MS. MITCHELL: Do you
25 mean... I think you said Wool.

1 A. RAGANELLA

2 THE WITNESS: Huh?

3 MS. MITCHELL: Did you
4 mean Wool or White being ...

5 THE WITNESS: No.

6 MS. MITCHELL: Okay,
7 sorry.

8 THE WITNESS: No, no.

9 MR. STECKLOW: He said
10 Paul.

11 MS. MITCHELL: Paul, okay.
12 I'm sorry, I thought I heard
13 you say Wool.

14 THE WITNESS: No, no, no,
15 no. Paul, Paul, Paul.

16 MS. MITCHELL: Sorry.

17 (Document marked Exhibit
18 11 for identification as of
19 this date by the reporter.)

20 Q. Let's see about this. I'm going to
21 mark as 11, Plaintiff's 11, a document that
22 is Bates stamped D14368.

23 A. Do you need this back? Okay.

24 Q. You've seen that document before?

25 A. Yes.

1 A. RAGANELLA

2 Q. It's in fact a memo that you
3 created, correct?

4 A. Correct.

5 Q. This memo is a document explaining
6 that you're going to do a training ...
7 Withdrawn.

8 This memo is a document creating a
9 command training, based on explosives
10 concealed in a Thermos, correct?

11 A. Restate the question, the beginning
12 of it.

13 Q. Withdrawn.

14 Can you explain to me what this
15 document is?

16 A. Yes. This is a response to a
17 communication from my overhead command,
18 which was Special Operations Division. We
19 were directed, or we were given a tactical
20 brief, regarding explosives concealed in
21 Thermos's. It had to be disseminated at
22 five consecutive roll calls, to the members
23 under my command. This is a communication
24 going back to the Chief of Special
25 Operations, confirming that, that directive

1 A. RAGANELLA

2 was complied with.

3 Q. There's an underlying training
4 document that is referenced in here,
5 correct?

6 A. I don't know that it's a training
7 document. It's a tactical brief.

8 Q. Okay. When we looked at the Jones
9 memo, that was not a tactical brief, that
10 was a training memo, correct?

11 A. That's correct.

12 Q. What this is, is different than
13 that, correct?

14 A. Could be.

15 Q. You created this tactical brief?

16 A. I did not.

17 Q. You just passed it along and made
18 sure it was disseminated at command
19 trainings?

20 A. I ensured that it was disseminated
21 to the members in my command.

22 Q. This was not to all the roll calls
23 throughout NYPD, this is solely for the
24 Disorder Control roll calls?

25 A. I don't know.

1 A. RAGANELLA

2 Q. What is this memo telling us?

3 A. This memo is telling us that the
4 members of, those members listed, with the
5 exception of Sergeant Phil McCabe, were in
6 receipt of the tactical brief, regarding
7 explosives concealed in Thermos's.

8 Q. You were never given an order to
9 disseminate any sort of tactical brief or
10 memo on the Jones' items, correct?

11 A. I don't recall.

12 Q. I'm sorry. Do you know if there's
13 ever been a Thermos that exploded in the
14 City of New York in the timeframe we're
15 talking about, August 2010 to September
16 2012?

17 A. I don't recall that happening.

18 Q. Do you know what the cause was for
19 putting this tactical brief together and
20 making sure you were trained on it?

21 A. I don't recall, no.

22 (Document marked Exhibit
23 12 for identification as of
24 this date by the reporter.)

25 Q. I'd like to mark some Mobile X

1 A. RAGANELLA

2 memos. Let's start with this one. I'm going
3 to mark this as 12. I'm going to ask you to
4 look at it.

5 A. (Witness perusing document.)

6 Q. Let me know once you've had a
7 chance to do so.

8 A. Okay.

9 Q. Does this document ... Withdrawn.
10 Did Disorder Control train
11 specifically for Occupy Wall Street?

12 A. I don't understand what your
13 question is.

14 Q. I asked before whether or not there
15 was an increase in the training relating to
16 Occupy, you said it was mostly because it's
17 what you had planned to do anyway. I'm
18 asking you specifically, did Disorder
19 Control conduct training for MOS in
20 relation to Occupy Wall Street?

21 A. What we taught, or what we
22 instructed and trained on was not modified
23 in any way because of Occupy Wall Street.
24 These officers that were trained, in regard
25 to Occupy Wall Street, was because of

1 A. RAGANELLA

2 Occupy Wall Street, if that's what you're
3 asking.

4 Q. The training wasn't updated, wasn't
5 modified, wasn't changed, but this is a
6 list of the number of officers trained
7 during this specific timeframe, and it was
8 in relation to Occupy Wall Street, correct?

9 A. I'm confused as to what you're
10 asking.

11 Q. We'll start with this first. You
12 said that the training was neither updated
13 nor modified because of Occupy Wall Street,
14 correct?

15 A. Correct.

16 Q. And that this document that we're
17 looking at now, which is Plaintiff's 11,
18 sorry, Plaintiff's 12?

19 MS. MITCHELL: 12.

20 A. 12.

21 Q. Plaintiff's 12, does not indicate
22 that there was a specific training related
23 to Occupy Wall Street, but more talks about
24 just the people who happen to attend this
25 specific training that occurred in this

1 A. RAGANELLA

2 timeframe, is that right?

3 A. Correct.

4 Q. In this Mobex training, that was
5 from November 7, 2011 through December 9,
6 2011, it does indicate in the memo that
7 this training is done to be better prepared
8 regarding Occupy Wall Street, correct?

9 A. Correct.

10 Q. And that there were three designs
11 in this training that were included,
12 correct?

13 A. Yes.

14 Q. Those were those military
15 formations, correct?

16 MS. MITCHELL: Objection.
17 You can answer.

18 A. I don't understand what you mean by
19 military formations.

20 Q. Didn't you previously testify that,
21 that's what you guys train on, these line
22 wedges, these are military formations that
23 you're training on?

24 MS. MITCHELL: Objection.
25 You can answer.

1 A. RAGANELLA

2 A. They're used by police departments.
3 We're not the military.

4 Q. I know you're not the military.

5 A. I don't understand.

6 Q. The Police Department, NYPD, is
7 operated as a military type organization,
8 with rank and hierarchy, and these wedges
9 and other formations are military type
10 formations, are they not?

11 MS. MITCHELL: Objection.
12 You can answer.

13 A. The Police Department operates as a
14 paramilitary organization, and some of
15 these techniques that we use for crowd
16 control have been adopted and modified from
17 some military maneuvers.

18 (Document marked Exhibit
19 13 for identification as of
20 this date by the reporter.)

21 Q. I'm going to mark this as 13. I'll
22 quickly ask the questions on this.

23 A. (Witness perusing document.)

24 Q. Please look at this and let me know
25 once you've had a chance to read it.

1 A. RAGANELLA

2 A. Okay.

3 Q. Is this from a Disorder Control
4 training?

5 A. Yes.

6 Q. Does it describe the police to act
7 in a military manner?

8 A. Restate the question.

9 Q. Is the heading on this document,
10 Military Manner?

11 A. It says, "Military Manner," yes.

12 Q. Then the subheadings are, "Require
13 strict command and control. Must extricate
14 people carefully. Is essential to correctly
15 perform the various type of carries,"
16 correct?

17 A. Correct.

18 Q. Does this document, this is used in
19 training at Disorder Control, correct?

20 A. Correct.

21 Q. It's to give the MOS the
22 understanding that they're to act in a
23 military manner, correct?

24 A. When performing these techniques,
25 yes.

1 A. RAGANELLA

2 Q. Okay, thank you. You were
3 previously deposed, we already discussed
4 that, correct?

5 A. Yes.

6 Q. In one of those depositions ...
7 Withdrawn.

8 You were deposed twice. I believe
9 we discussed once was on May 14, 2014 in
10 the matter of Joshua Wiles [phonetic]
11 against the City of New York, correct?

12 A. Correct.

13 Q. Is there anything that you stated
14 within that deposition that you know now to
15 be incorrect or false?

16 A. I don't know.

17 Q. Is it possible that there are
18 statements you testified to previously that
19 are no longer accurate?

20 A. I'm sure there's that possibility.

21 Q. Do you know of anything that's no
22 longer accurate?

23 A. Not that strikes me, no.

24 Q. Are you provided with a copy of
25 that transcript?

1 A. RAGANELLA

2 A. Yes.

3 Q. Did you make any changes to the
4 transcript after you were provided it?

5 A. Not that I recall.

6 Q. You were also deposed on December
7 14, 2017 and April 27, 2018, that
8 deposition continued, correct? In the
9 matter of Benjamin Case et al v. the City
10 of New York?

11 A. Yes.

12 Q. Is there anything within that
13 testimony that you believe currently to be
14 inaccurate or to have changed?

15 A. Not that I recall.

16 Q. Were you provided a copy of that
17 transcript?

18 A. I don't recall if I received a copy
19 of that. I believe I did.

20 Q. Do you recall being asked the
21 following question in the Wiles deposition
22 and giving the following answer, "A large
23 part of the contents of the documents seem
24 to relate to formations of officers, lines,
25 wedges, and things of that nature. Other

1 A. RAGANELLA

2 than training and formations, is there
3 other training that officers receive in
4 Disorder Control?" Answer, "There's many
5 different types of training that we do. Not
6 all necessarily relate to forming. You
7 know, military formations of lines and
8 wedges."

9 Do you remember giving that answer
10 to that question?

11 A. Yes.

12 Q. That's the only thing I was asking
13 you, was are these military type
14 formations?

15 A. Okay.

16 Q. Would you like to change the answer
17 you gave to that question?

18 A. No.

19 Q. These are military type formations.

20 A. Sir, you're trying to insinuate
21 that we're the military. We're a
22 paramilitary organization, and some of the
23 training and maneuvers that we use are
24 based on military maneuvers that the armed
25 services use. That's my answer.

1 A. RAGANELLA

2 Q. I'm not trying to insinuate that. I
3 don't believe you're the military. I think
4 paramilitary is the right answer.

5 A. Thank you.

6 Q. I do think that these formations
7 are military style formations, that's what
8 I was asking.

9 A. Military style?

10 Q. Military style formations, yes. I
11 think we can agree on that.

12 A. The style, yes.

13 Q. I'm going back to ... In the
14 training that's referenced in Plaintiff's
15 12, it covers three things. The lines,
16 wedges, and other Disorder Control
17 formations, what I will be just ...
18 Withdrawn.

19 It covers those lines, wedges, and
20 other Disorder Control formations that are
21 military style formations, correct?

22 A. Yes.

23 Q. It covers mass arrest techniques,
24 correct?

25 A. Yes.

1 A. RAGANELLA

2 Q. It covers protective shields and
3 mash barrier equipment review, correct?

4 A. That's a typo, it should say mesh
5 barrier.

6 Q. Thank you.

7 A. Sorry.

8 Q. No problem. There's oftentimes a
9 fourth component of Disorder Control
10 training that's not included in this one,
11 correct?

12 A. There's many components that aren't
13 included here.

14 Q. Correct, but oftentimes, I believe
15 you testified to this in the Case
16 deposition, there are four common designs,
17 the lines, wedges, and military formations,
18 the mass arrest techniques, the protective
19 shields, and the high-profile car ...

20 A. High profile vehicle rescue.

21 Q. Right.

22 A. Correct.

23 Q. Those are the four standard ones
24 that are trained on, correct?

25 A. Generally.

1 A. RAGANELLA

2 Q. Was there ... Withdrawn.

3 We've already agreed that there's
4 been no update or modification of the mass
5 arrest training received by these
6 individuals, correct?

7 A. Correct.

8 Q. This indicates that in that 32 or
9 33-day period, 1,412 members of the service
10 received this training, correct?

11 A. Of these particular units, yes.

12 Q. It's possible that there were more
13 people who received training in that
14 timeframe?

15 A. Significantly more.

16 Q. How come they're not indicated in
17 this document?

18 A. Because this is specifically
19 related to these particular units. This was
20 a communication outlining that small window
21 of time, which was just slightly over one
22 month. Units outside the Patrol Borough
23 Taskforces that were trained.

24 Q. Within that timeframe of that one
25 month, there were more than 1,400 officers

1 A. RAGANELLA

2 trained? You said many more.

3 A. Absolutely.

4 Q. Would you be able to give an
5 estimate of how many?

6 A. I could tell you that from
7 September 17, 2011 through September 17,
8 2012, the Disorder Control Unit trained in
9 excess of 12,000 members of the service
10 from 29 different boroughs, units, and
11 divisions.

12 Q. In that training, the Disorder
13 Control did not update the training on
14 sidewalk protests, correct?

15 A. I don't have any lesson plan
16 dedicated to sidewalk protests
17 specifically.

18 Q. Whatever topic that would cover
19 sidewalk protests ... Withdrawn.

20 Was there any topic that covered
21 sidewalk protests in those trainings for
22 those officers?

23 A. Not that I could think of
24 specifically related to that.

25 Q. Was there any training for those

1 A. RAGANELLA

2 officers in that timeframe for the
3 standards of clear and present danger?

4 A. Repeat the question.

5 Q. We're talking about, I think you
6 said around 12,000, I'm sorry, was it a
7 bigger number than that?

8 A. In excess of 12,000.

9 Q. In excess of 12,000 in that one-
10 year timeframe.

11 A. Yeah.

12 Q. Between September 2011 and the
13 date, we're here about, which is around
14 September 15th to the 17th of 2012,
15 Disorder Control trained in excess of
16 12,000 members of the NYPD, correct?

17 A. Yes, sir.

18 Q. We agree that they did not train at
19 all in sidewalk protests, correct?

20 A. I didn't say we didn't train at
21 all. It could have been incorporated into
22 lectures by my instructors as examples to
23 what they were teaching. I don't know that.

24 Q. You don't know if that happened or
25 did not happen?

1 A. RAGANELLA

2 A. Correct.

3 Q. You know there's no lesson plan
4 focused on that, correct?

5 A. I don't have a lesson plan
6 dedicated to sidewalk protests, no.

7 Q. Those 12,000, in excess of 12,000
8 members, did not receive a specific lesson
9 plan related to sidewalk protests, correct?

10 A. Specifically related to that, no,
11 they did not.

12 Q. Those 12,000 members didn't receive
13 a specific lesson plan about impeding
14 pedestrian traffic on sidewalks, correct?

15 A. Correct.

16 Q. They didn't receive a lesson plan
17 about clear and present danger and how that
18 impacts First Amendment rights to protest,
19 correct?

20 MS. MITCHELL: Objection.
21 You can answer.

22 A. There is a lesson plan based on
23 that.

24 (Document marked Exhibit 14
25 for identification as of this

1 A. RAGANELLA

2 date by the reporter.)

3 Q. I'm going to mark now as
4 Plaintiff's 14, hopefully what you meant by
5 there's a lesson plan on that.

6 A. (Witness perusing document.)

7 Q. Is this the lesson plan you just
8 referenced?

9 A. Yes.

10 Q. This is the training that was given
11 to those 12,000 or more officers during
12 that time period?

13 A. It may have been.

14 Q. You're unsure if this was given?

15 A. It may have been incorporated into
16 the lecture portion of the mass arrest
17 techniques.

18 Q. But you're not sure if it was?

19 A. I am not.

20 Q. It may have been, it may not have
21 been?

22 A. Correct.

23 (Document marked Exhibit
24 15 for identification as of
25 this date by the reporter.)

1 A. RAGANELLA

2 Q. Then I'll mark as 15, what's been
3 previously identified as D4344, and ask you
4 to review that.

5 A. (Witness perusing document.)

6 Q. Is this a Disorder Control training
7 document?

8 A. Yes.

9 Q. Is this the only document in
10 Disorder Control that deals with time,
11 place, and manner?

12 A. No.

13 Q. What else does?

14 A. The corresponding lesson plans with
15 the PowerPoint.

16 Q. Is the corresponding lesson plan,
17 is that something that's handed out, or is
18 that something the instructor uses to teach
19 this?

20 A. Something the instructor would use
21 to teach.

22 Q. This slide plus whatever the
23 instructor tells them is the extent of what
24 those 12,000 plus officers would receive,
25 as far as training, concerning time, place,

1 A. RAGANELLA

2 and manner, correct?

3 A. I believe so. From the Disorder
4 Control Unit.

5 Q. Do you know if anybody else trains
6 on these things?

7 A. I'm relatively certain that the
8 Police Academy, during recruit training,
9 goes deeply into legalities.

10 Q. To your knowledge, there's no
11 refresher course on it once people leave
12 the recruit Academy training?

13 A. There is refresher training?

14 Q. When is that?

15 A. I don't know, but that is part of
16 what we looked at before with command level
17 training. The Police Academy may or may not
18 issue command level training memos related
19 to specific topics, and this very well
20 could have been one of those topics. I
21 don't know.

22 (Document marked Exhibit
23 16 for identification as of
24 this date by the reporter.)

25 Q. Let's mark this as 16. I'll ask you

1 A. RAGANELLA

2 to look at that.

3 A. (Witness perusing document.)

4 Q. Is that part of Disorder Control
5 training?

6 A. Yes.

7 Q. Is this a slide that those 12,000
8 plus officers who received training in that
9 timeframe would have seen?

10 A. I don't know if they would have
11 specifically seen the slide itself, but the
12 information in the slide may have been
13 relayed to the officers that were trained.

14 Q. Is one of the instructions in this
15 slide to intimidate a crowd?

16 A. It specifically states, "Team
17 approach intimidates a crowd and reduces
18 need for force."

19 Q. The team approach is something you
20 train at Disorder Control, correct?

21 A. In certain circumstances, yes.

22 Q. Is policing First Amendment
23 activity, street ... Withdrawn.

24 Is policing sidewalk protests
25 something you train the team approach for?

1 A. RAGANELLA

2 A. It could be.

3 Q. Is it that at sidewalk protests, it
4 could be that the first thing a police
5 presence is supposed to do is to intimidate
6 the crowd?

7 A. Depending upon what the crowd is
8 doing, it could be.

9 Q. Now I'm going to mark as 17, or was
10 that ...

11 COURT REPORTER: 17.

12 (Document marked Exhibit
13 17 for identification as of
14 this date by the reporter.)

15 Q. 17, another slide.

16 A. (Witness perusing document.)

17 Q. Is this a document that is used for
18 training?

19 A. Yes.

20 Q. It's used at Disorder Control?

21 A. Yes.

22 Q. Is this for protests specifically?

23 A. Restate the question, rephrase
24 that. I don't understand what you mean.

25 Q. What is this document utilized for?

1 A. RAGANELLA

2 A. I believe that this is part of the
3 mass arrest.

4 Q. Does it say at the top, "Protestor
5 (Sit in type arrest)"

6 A. Yes, sir.

7 Q. Does it indicate that this lesson
8 is about the police conduct at protests?

9 A. This particular slide does, yes.

10 Q. The first item there, it says,
11 "Supervisor is team leader," correct?

12 A. Correct.

13 Q. At protests is a team that would be
14 identified, correct?

15 A. When arrests need to be made, yes.

16 Q. It also says that, "Arresting
17 officers are to give clear, audible
18 warnings," correct?

19 A. Yes.

20 Q. And that, "An additional officer
21 should be stationed at the rear of the
22 group, to ensure that a warning is heard,"
23 correct?

24 A. Correct.

25 Q. That's part of Disorder Control

1 A. RAGANELLA

2 training, correct?

3 A. Correct. You need this also?

4 Q. You can hold that. I'm going to
5 mark this as 17.

6 MS. MITCHELL: That's not
7 18?

8 MR. STECKLOW: 18, what
9 are we on?

10 COURT REPORTER: It's 18.

11 (Document marked Exhibit
12 18 for identification as of
13 this date by the reporter.)

14 Q. 18.

15 A. 18. (Witness perusing document.)

16 Q. Yeah, I thought it was wrong.

17 A. Mother nature's calling again, so
18 make it snappy.

19 Q. I'll be quick.

20 A. I'm teasing. I'm teasing about make
21 it snappy, I'm not teasing about mother
22 nature's calling again.

23 MS. MITCHELL: Wylie can
24 take a joke.

25 MR. STECKLOW: Thank you,

1 A. RAGANELLA

2 I appreciate that. Okay, we're
3 on the record.

4 It's 1:15, we're about to
5 take a lunch break to the
6 deposition.

7 Can we be back at 2:00?

8 MS. MITCHELL: Yeah.

9 MR. STECKLOW: Okay, so
10 we'll be back in 45 minutes to
11 continue at 217 Center Street.

12 (Whereupon, a luncheon
13 recess was taken.)

14 (Back on the record.)

15 MR. STECKLOW: The time is
16 now 2:17, and we're back on the
17 record.

18 We're at my office at 217
19 Center Street for the continued
20 deposition of fact witness
21 inspector Anthony Raganella. As
22 well as 30(B)(6) witness,
23 identified by state of New York
24 Inspector Anthony Raganella. We
25 have the same parties that were

1 A. RAGANELLA

2 here this morning, nothing has
3 changed, and we're going to
4 continue the deposition.

5 I believe the last exhibit
6 we marked was number 19, so
7 we're going to start on 20.

8 (Document marked Exhibit
9 19 and 20 for identification as
10 of this date by the reporter.)

11 BY MR. STECKLOW:

12 Q. I'm going to ask you to review what
13 I've marked as exhibit 20. And please let
14 me know after you've had a chance to do so.

15 A. (Witness perusing document.)

16 Q. For the record, this starts with
17 Bates stamped D14538, it continues until
18 D14549.

19 A. Okay.

20 Q. Are you familiar with this
21 document?

22 A. Yes.

23 Q. Did you create it?

24 A. No.

25 Q. What does CRV stand for?

1 A. RAGANELLA

2 A. Critical response vehicle.

3 Q. So, is that the high value vehicle
4 that we've discussed before as one of the
5 four main modules of disorder control
6 training?

7 A. No, critical response vehicle was
8 kind of like, it was a deployment that was
9 done by the counter-terrorism bureau. Where
10 they would take patrol officers from each
11 of the, at the time 76 precinct, bring them
12 together into a location, usually in
13 Manhattan. And then deploy them for high
14 visibility, counter terrorism deployments.

15 Q. Okay. So, what does this document
16 represent?

17 A. So, this is a running total of the
18 training that we did with the patrol bureau
19 task forces in conjunction with we would go
20 to CRV deployments. Prior to the officers
21 being turned out by the counter-terrorism
22 bureau, we were allotted time upfront to do
23 training with patrol services bureau,
24 members of the service that were there in
25 crowd management and crowd control.

1 A. RAGANELLA

2 Q. And does this indicate the total
3 number of members of the service who
4 received level one and level two
5 mobilization and CRV training from April
6 21st, 2010 through August 23rd, 2011?

7 A. It should, yes.

8 Q. It indicates approximately 3,700
9 received taskforce only training, and
10 another 6,200 received CSV training. Is
11 that correct?

12 A. Task force only ... 37, yes
13 correct.

14 Q. Did this include the training that
15 was part of 19, plaintiff's 19?

16 A. No, it did not.

17 Q. Okay. So, what was the date for the
18 training?

19 A. Actually, withdrawn it might have.
20 Just give me one second.

21 Q. The document we're looking at does
22 not have an August 12th date, does it?

23 A. No.

24 Q. So, it doesn't include that?

25 A. No, it doesn't.

1 A. RAGANELLA

2 Q. Okay. Do these numbers reflect the
3 same numbers you were discussing before
4 when you said that the DCU did training in
5 the time frame of occupy in excess of
6 12,000 MOS?

7 A. Restate the question.

8 Q. The 12,000, in excess of 12,000,
9 you discussed earlier about the number of
10 officers DCU trained during Occupy Wall
11 Street. These trainings, even though it's
12 reflected in 20 included in that number, or
13 is this in addition to that number?

14 A. They're included.

15 Q. Okay. So, would they be included,
16 some of this is 2010, correct?

17 A. Yes.

18 Q. And your answer that in excess of
19 12,000 was 2011 to 2012, August to
20 September.

21 A. Correct.

22 Q. I'll withdraw.

23 Your answer in excess of 12,000 was
24 in relation to trainings from August 2011
25 through September 2012?

1 A. RAGANELLA

2 A. No.

3 Q. Okay. What was your number in
4 excess of 12,000 in relation to?

5 A. September of 2011 through September
6 of 2012.

7 Q. Okay. And this doesn't include
8 September. Document 20 does not include
9 September of 2011 at all. Correct?

10 A. It doesn't appear to.

11 Q. So, this would be in addition,
12 these 6,000 plus would be in addition to
13 the 12,000 we've already discussed.
14 Correct?

15 A. Yes, this ends prior to that.

16 Q. So, it would be in addition to the
17 12,000 we've already discussed, the numbers
18 contained in number 20.

19 A. Yes.

20 Q. Thank you.

21 Was there any other unit, other
22 than disorder control, that was tasked with
23 doing mass training during Occupy Wall
24 Street?

25 MS. MITCHELL: Objection.

1 A. RAGANELLA

2 You can answer, if you
3 know.

4 A. There's many units in the
5 department that do training.

6 Q. My question is about mass training.

7 A. I don't know what you mean by mass
8 training.

9 Q. Well we just went over that
10 disorder control did trainings for over
11 12,000 people, 12,000 members of the
12 service in September 2011 to September
13 2012, right?

14 A. Correct.

15 Q. And they did apparently somewhere
16 around 8,000 or 9,000 in the year before,
17 in April 2010 through August 2011. Correct?

18 A. Correct.

19 Q. And so, my question is, was
20 disorder control the group the unit tasked
21 with doing these mass trainings, or were
22 there other groups? Is there another
23 training organization similar to disorder
24 control within the NYPD, outside the
25 academy, that exists for training purposes?

1 A. RAGANELLA

2 MS. MITCHELL: Objection.

3 You can answer.

4 A. There are other units that conduct
5 training outside of disorder control, and
6 outside of the police academy, yes.

7 Q. And who are they?

8 A. Virtually every unit in every
9 bureau in every division does some type of
10 training on their own.

11 Q. Right. Do they do mass training,
12 large number training like disorder control
13 does?

14 A. That I don't know.

15 Q. You don't know if they do or they
16 don't?

17 A. On what level, or what's the
18 definition of mass? I'm not clear on what
19 you're asking.

20 Q. Okay. I'm asking whether or not
21 disorder control was the unit tasked with
22 doing training for the police officers that
23 were policing Occupy Wall Street in the
24 year during Occupy Wall Street?

25 A. Yes.

1 A. RAGANELLA

2 Q. Okay. Was there another unit tasked
3 with those trainings?

4 A. Not that I'm aware of.

5 Q. Was there a specific anticipation
6 of May 1st to have specific trainings to
7 occur by disorder control unit?

8 A. Yes.

9 Q. And who had that specific concern?

10 A. Virtually every member of the
11 service that does demonstrations or
12 protests.

13 Q. Was that concern communicated to
14 you?

15 MS. MITCHELL: Objection.
16 You can answer.

17 A. I don't recall.

18 Q. Did you communicate that concern to
19 anybody?

20 MS. MITCHELL: Objection.
21 You can answer.

22 A. I'm relatively certain I did.

23 Q. And to whom do you think you
24 communicated that to?

25 A. My staff.

1 A. RAGANELLA

2 Q. Did Chief Esposito communicate a
3 concern to you about May 1st protest and
4 the need for additional mobile exercises?

5 A. It's possible, because it basically
6 comes up every year.

7 Q. Isn't it true that disorder control
8 undertook a large amount of disorder
9 control training in anticipation of May 1st
10 in 2012?

11 A. As we do every year, yes.

12 Q. So, it was no different than any
13 other year?

14 A. I didn't say it wasn't any
15 different, I say we do additional training
16 prior to May 1st every year.

17 Q. In anticipation of the May Day
18 protests?

19 A. That is correct.

20 Q. And this particular year was no
21 different than any other year?

22 A. I didn't say how.

23 Q. Okay. How was it different than any
24 other year?

25 A. I don't know.

1 A. RAGANELLA

2 Q. Was it different?

3 A. It could have been.

4 Q. But you don't know as you sit here?

5 A. Unless I see something to refresh
6 my recollection, I don't recall what would
7 have been different.

8 (Document marked Exhibit
9 21 for identification as of
10 this date by the reporter.)

11 Q. I'm going to mark this as 21. I'm
12 showing the inspector a document previously
13 identified as D556.

14 A. (Witness perusing document.)

15 Q. Do you recognize this document,
16 inspector?

17 A. Yes.

18 Q. And is this document related to DCU
19 training for May Day?

20 A. Yes.

21 Q. And is it indicating that even
22 though DCU has already ramped up the
23 training, that you specifically were given
24 a directive by Chief Esposito to train,
25 train, train.

1 A. RAGANELLA

2 A. That's what this says, yes.

3 Q. And so that would have been
4 different than prior years?

5 A. The type of training we do, no. But
6 the quantity may have been increased as a
7 result of this.

8 Q. So, in other words, you would have
9 done the same training as every other year.
10 You just may have done a lot more of it
11 because of this directive by Chief
12 Esposito?

13 A. Yes.

14 Q. And how would you know for sure
15 whether or not you did a higher volume of
16 it than you previously had done?

17 A. I would have to look at our
18 training numbers during a certain period of
19 time and compare them to training numbers
20 for another period of time to see the
21 comparison.

22 Q. And was there any specific
23 training, withdrawing. The sort of control
24 training that you did, the mob x training
25 that you did in anticipation of May Day

1 A. RAGANELLA

2 2012, was no different than the prior
3 trainings you had done. Correct?

4 A. In regard to what we train on, no.

5 Q. Okay. And so, as you previously
6 testified, there was no probably cause
7 training. So, there was no probably cause
8 training at this May 1st DCU training,
9 correct?

10 A. I don't believe so.

11 Q. And there was no specific sidewalk
12 protest lesson taught at these disorder
13 control trainings, correct?

14 A. Not that I'm aware of.

15 (Document marked Exhibit
16 22 for identification as of
17 this date by the reporter.)

18 Q. Okay. I'm now going to show you
19 what's being marked as 22.

20 A. Am I keeping this?

21 Q. I'll take it back, thank you. And
22 22 has been previously identified as D3992.

23 A. (Witness perusing document.)

24 Q. Are you familiar with this
25 document?

1 A. RAGANELLA

2 A. I am familiar with it, I'm not 100%
3 sure which lesson plan it goes with though.

4 Q. Is it one that you teach?

5 A. Yes.

6 Q. And what is it meant, withdrawing.
7 It talks about objectives, correct?

8 A. Yes.

9 Q. And the objective that's identified
10 in this is dispersed and demoralized
11 groups, correct?

12 A. Correct.

13 Q. And what is meant by that?

14 A. What is meant by demoralized
15 groups?

16 Q. Dispersed and demoralized groups,
17 what is meant by that objective?

18 A. That objective is meant to
19 discourage an unlawful or violent group
20 from continuing in the conduct that they're
21 doing, and to disperse them.

22 Q. Okay. So, it could be either
23 unlawful, or violent, or both? And then
24 demoralize and disperse would be
25 appropriate?

1 A. RAGANELLA

2 A. No.

3 Q. Okay. So, what make it appropriate
4 to be dispersed and demoralized to a group?

5 A. Well you're talking about two
6 different things, disperse is not the same
7 as demoralize.

8 Q. This objective, is this listed as
9 separate and distinct, or is it listed as
10 something to disperse and demoralize?

11 A. No, demoralize and disperse are two
12 distinct different things.

13 Q. Okay. Is it trained as an either,
14 or, or is it trained as an and...

15 A. An or.

16 Q. Okay, even though it says and?

17 A. It could be an and also, but it
18 depends on the circumstances.

19 Q. Okay.

20 A. There are times where we disperse a
21 group, and they're not demoralized. And
22 when I say demoralized, I refer to
23 discouraging the conduct that they're
24 engaged in, that's what demoralized means.
25 So, there are times that we want to

1 A. RAGANELLA

2 discourage them from doing what they're
3 doing, and then disperse them. And there's
4 other times that we don't need to
5 discourage them, we just need to move them
6 on and disperse them. So, it could be an
7 and or an or.

8 Q. And this is policing large groups,
9 correct?

10 A. I don't know that it necessarily
11 applies to large groups. It could apply to
12 small groups also.

13 Q. Okay. But it applies to groups,
14 groups of people, correct?

15 A. It could.

16 Q. Could it apply to something else?

17 A. It could apply to a single person.

18 Q. You can disperse and demoralize an
19 individual. But this particular training
20 doesn't talk about individual, it talks
21 about groups, correct?

22 A. Again, I don't know which lesson
23 plan this comes from. So, it's hard for me
24 to ... But in general, yes. It's generally
25 understood that it applies to groups of

1 A. RAGANELLA

2 more than one person.

3 Q. And how is it distinguished in the
4 disorder control that this applies to
5 groups that are unlawful, as opposed to
6 groups that are engaged in first amendment
7 activity?

8 A. I don't understand your question.

9 Q. Does this objective apply to
10 protest groups engaged in first amendment
11 activity?

12 A. No, it does not.

13 Q. How is that taught to the people at
14 disorder control training?

15 A. My instructors understand that
16 inherently, because they teach it. So
17 that's explained to the audience.

18 Q. And how is it explained?

19 A. Through our lesson plans and
20 legalities at demonstrations, that we
21 protect group first amendment rights to
22 first amendment speech and assembly. But
23 once it becomes unlawful, there may be
24 times where we have to disperse them. And
25 if it becomes riotous behavior, we may have

1 A. RAGANELLA

2 to discourage their behavior, and then
3 possible disperse them.

4 Q. So, the demoralize wouldn't occur
5 unless it's riotous?

6 A. That's correct.

7 (Document marked Exhibit
8 23 for identification as of
9 this date by the reporter.)

10 Q. Okay. I'm now going to show you
11 what's been marked as 23. I'll take that
12 one back.

13 A. What is this marked as?

14 Q. 23.

15 A. I need to put a number on there.

16 Q. Thank you.

17 A. No problem.

18 Q. This is a document that has
19 previously been Bates stamped starting at
20 4743 and ending at 4744.

21 A. (Witness perusing document.)

22 Q. Have you seen this document before?

23 A. Yes.

24 Q. And what is this document?

25 A. This is in regard to our disorder

1 A. RAGANELLA

2 control guideline booklet that was created
3 when the disorder control unit was created.
4 And then I believe it was revised one more
5 time in 1997. There was some inquiry from I
6 believe an office of management analysis
7 and planning.

8 Q. Yeah, I'm sorry. I'm going to
9 restate this is the Bates stamped number
10 5564 to 5565.

11 MS. MITCHELL: 23?

12 MR. STECKLOW: 23,
13 correct.

14 MS. MITCHELL: Okay.

15 Q. You had that document in front of
16 you when you were answering the question,
17 correct? It was the council that had the
18 wrong document, not the witness.

19 A. Okay, I have 23 in front of me.

20 Q. Right.

21 A. So, there was some inquiry --

22 MS. MITCHELL: I'm sorry,
23 can we just back up. I think
24 the record might be incorrect
25 about the Bates stamped.

1 A. RAGANELLA

2 MR. STECKLOW: I changed
3 it.

4 MS. MITCHELL: Okay,
5 sorry. Go ahead, I'm sorry.

6 A. There was some inquiry from the
7 office of management analysis and planning
8 regrading potentially updating the booklet.

9 Q. Do you know how that occurred?

10 A. I do not.

11 Q. Did they ask you to make
12 recommendations on the update?

13 A. They actually asked us to begin
14 doing the updates on it.

15 Q. Did they tell you what the updates
16 needed to be, or did they ask you to figure
17 out what the updates should be?

18 A. I don't recall.

19 Q. In the top of the email is from
20 Anthony Raganella to Dennis Fulton. Is
21 Dennis Fulton an individual from that
22 division you discussed earlier, office of
23 management analysis and planning?

24 A. Yes.

25 Q. And you write, "On cursory

1 A. RAGANELLA

2 inspection, the following should at least
3 be revised." And then you identify a few,
4 correct?

5 A. Correct.

6 Q. Okay. And among the things that you
7 think should be added are mass arrest
8 tactics, correct?

9 A. Yes.

10 Q. But you don't put anything in here
11 about adding sidewalk protests, correct?

12 A. Correct.

13 Q. Nor clear and present danger,
14 correct?

15 A. Correct.

16 Q. Nor the standards for impeding
17 pedestrian traffic, correct?

18 A. Correct.

19 Q. Okay. Are those standards, or any
20 of those topics, covered in disorder
21 control guidelines?

22 A. I don't understand your question.

23 Q. The topics I just mentioned that
24 are not included in this email, are they
25 covered in disorder control guidelines?

1 A. RAGANELLA

2 A. Which guidelines? I don't ...

3 Q. The ones that are referenced here
4 in this document, plaintiff's 23.

5 A. I don't believe so.

6 Q. And prior to January 6, 2012, when
7 was the last time the disorder control
8 guidelines had been revised?

9 A. As I stated, I believe it was in
10 1997.

11 Q. Had you ever recommended that the
12 disorder control guidelines booklet be
13 updated prior to this email exchange with
14 Dennis Fulton?

15 A. I'm sorry, restate the question.

16 Q. Did you ever recommend the disorder
17 control guidelines booklet be updated prior
18 to your emails with Dennis Fulton?

19 A. I may have.

20 Q. And who may you have made that
21 recommendation to?

22 A. To myself.

23 Q. Okay. To anyone else?

24 A. Not that I recall.

25 Q. Okay. And from this, it seems that

1 A. RAGANELLA

2 Dennis received a copy of the guideline
3 booklet, and then was surprised that it was
4 October 97. And then started to ask about
5 updating it. Does that seem accurate?

6 A. Seems reasonable, yes.

7 Q. And so, then it wasn't that you
8 made the recommendation. Somebody made the
9 recommendation to you that it should be
10 updated. And then you made recommendations
11 about what updates should be included,
12 correct?

13 A. Correct.

14 (Document marked Exhibit
15 24 for identification as of
16 this date by the reporter.)

17 Q. I'm going to show you what's now
18 being marked as plaintiff's 24.

19 MS. MITCHELL: Should I
20 have ...

21 MR. STECKLOW: I didn't
22 mark it, sorry. It's not a
23 secret, it's something you gave
24 me at some point.

25 Q. Okay, all right please review

1 A. RAGANELLA

2 what's been marked as plaintiff's 24. Which
3 is a memo dated September 30th, 2009 from
4 the commanding officer of the disorder
5 control unit. And it is Bates stamped 4756
6 through 4759.

7 A. Okay.

8 Q. Have you seen this document before?

9 A. Yes.

10 Q. When was the first time you saw it?

11 A. Probably this week.

12 Q. This week being July 2018?

13 A. Yes.

14 Q. Prior to this week, had you ever
15 seen the document?

16 A. I don't recall seeing this.

17 Q. All right, this gives me a good
18 chance to ask a different question that I
19 didn't ask. What documents did you review
20 in anticipation of today's deposition?

21 A. Everything that was provided to me
22 by council.

23 Q. And I absolutely do not want to
24 hear anything about your conversations with
25 Your counsel. What I do want to understand

1 A. RAGANELLA

2 is what those documents were. How many
3 pages of documents do you believe you were
4 provided?

5 A. Probably reviewed thousands of
6 pages.

7 Q. Okay. And did any of it refresh
8 your recollection as to information you did
9 not previously have?

10 A. Did it refresh my recollection as
11 to information that I previously, how would
12 it refresh my recollection?

13 Q. Let me rephrase the question. Did
14 any of the documents either refresh your
15 recollection as to information you
16 previously had, but had forgotten, or
17 provide you new information that you did
18 not have previously?

19 A. That's possible.

20 Q. Do you know which documents those
21 were?

22 A. No.

23 Q. Do you have any way of identifying
24 the documents that you reviewed in
25 anticipation of today's deposition?

1 A. RAGANELLA

2 A. If I saw them, it may refresh my
3 recollection that I reviewed them this
4 week.

5 Q. Did you receive a copy of them?

6 A. Some things, yes.

7 MR. STECKLOW: So, I would
8 call for production of that
9 since the witness's memory
10 isn't solid on what it was. I
11 would call for production,
12 because that seems to be the
13 best evidence of what it was he
14 reviewed. I'm sorry.

15 MS. MITCHELL: I can tell
16 you that he reviewed PowerPoint
17 slides and lesson plans from
18 DCU, and we went over his
19 email. I'm not going to
20 reproduce documents that you
21 already have in your
22 possession.

23 Q. Okay. Other than lesson plans and
24 PowerPoint slides and emails, were there
25 other documents you reviewed?

1 A. RAGANELLA

2 A. No.

3 Q. Okay. Is the document in front of
4 you a lesson plan, PowerPoint slide or
5 email?

6 A. It's a communication.

7 Q. And you reviewed this document in
8 anticipation of today's deposition,
9 correct?

10 A. I believe so.

11 Q. And it was neither an email, a
12 PowerPoint slide, or a lesson plan.
13 Correct?

14 A. Correct.

15 Q. Okay. So, were there other
16 documents that you reviewed in anticipation
17 of this litigation that were neither a
18 PowerPoint, an email, or a lesson plan?

19 A. Not that I recall.

20 Q. Okay. So, this is the only one that
21 would fall outside that scope.

22 A. Outside which scope?

23 Q. The description of those three sets
24 of items that Your counsel identified.

25 A. This particular one? We've already

1 A. RAGANELLA

2 looked at other communications.

3 Q. Your counsel stated the only
4 documents that you reviewed prior to
5 today's deposition were emails,
6 PowerPoints, and lesson plans. We then
7 agreed that in fact the one document we're
8 holding up right now, 24, is none of those.
9 And yet, is something you identified as
10 having only seen this week in anticipation
11 of this deposition.

12 A. Correct.

13 Q. I'm asking you if there's any other
14 documents that you remember reviewing that
15 are not either a PowerPoint, and email, or
16 a lesson plan?

17 A. Not that I remember.

18 Q. Okay. So, this is the only one that
19 falls outside the description that your
20 attorney just gave, correct?

21 A. I believe so.

22 Q. Okay, all right. Paragraph three of
23 this document, plaintiff's 24. It states
24 that individuals are encouraged, task
25 forces are encouraged to conduct regular

1 A. RAGANELLA

2 disorder control training, correct?

3 A. That's what that says.

4 Q. Is that something that you
5 continued once you took over disorder
6 control?

7 A. Yes.

8 Q. Okay. And so, you agreed with this
9 recommendation that the task forces should
10 conduct regular training sessions?

11 A. Yes.

12 Q. And you also, did you also
13 encourage them to conduct regular training
14 sessions?

15 A. Yes.

16 Q. Did you require them to conduct
17 regular training sessions?

18 A. Yes.

19 Q. Okay. In paragraph five, it seemed
20 to indicate that --

21 A. Let me back up. I recommended that
22 they do training sessions. I was not in a
23 position to require it.

24 Q. I'll re ask the question so we can
25 get a clean answer. Did you require that

1 A. RAGANELLA

2 they conduct training sessions?

3 A. No.

4 Q. Okay. Paragraph five, it talks
5 about, paragraph five identifies that
6 insufficient training is happening, because
7 it's only focusing on one to two different
8 tactics. Is that accurate?

9 A. I don't know, I wasn't there then.

10 Q. Is that accurate as to what is
11 described in paragraph five?

12 A. Are you asking me if that's what it
13 says?

14 Q. Yes.

15 A. That's what it says.

16 Q. So, does this memo indicate that
17 there was sufficient or insufficient
18 disorder control training occurring?

19 MS. MITCHELL: Objection.

20 You're asking him to testify
21 about training that was
22 occurring in 2009 that was
23 beyond the scope of the
24 30(B)(6) notice that he's been
25 prosecuted for.

1 A. RAGANELLA

2 MR. STECKLOW: I'm asking
3 him to explain if the memo
4 identifies that. And since he
5 has the knowledge of sufficient
6 disorder control training, I'll
7 rephrase it.

8 Q. How's this, in relation to what you
9 believe was sufficient disorder control
10 frame that you instituted in 2010 and
11 forward. Do you believe the disorder
12 control training that's identified in this
13 2009 memo was sufficient?

14 A. There's always room for
15 improvement, as I stated before.

16 Q. Do you believe this memo is
17 identifying sufficient or insufficient
18 disorder control training?

19 MS. MITCHELL: Objection.
20 You're asking him to testify
21 about a document from 2009 that
22 is beyond the scope of what
23 this witness has been brought
24 here for.

25 Q. Okay. You can answer the question.

1 A. RAGANELLA

2 A. So, reading what is written, it
3 appears that the author of this
4 communication would like to see an increase
5 in training.

6 Q. And the amount of training that you
7 took over in 2010, you believe not to be of
8 a high enough volume. Correct?

9 A. Correct.

10 Q. And so, the concern that was in
11 this memo, which I believe you shared when
12 you took over, is that there was not a
13 sufficient amount of training by disorder
14 control. Correct?

15 MS. MITCHELL: Objection.
16 You can answer.

17 A. There will never be a sufficient
18 enough amount of training as far as I'm
19 concerned.

20 Q. And why is that?

21 A. Because I come from a training
22 background, as I stated earlier. And the
23 more training we can do, the better we
24 become at what we do. So, training is
25 always a priority as far as I'm concerned.

1 A. RAGANELLA

2 The more that we can do it, the better we
3 become at what we're trying to do.

4 Q. Okay. Are there levels of training
5 that are just plainly insufficient?

6 A. I would imagine so.

7 Q. Okay. And so, because you're
8 talking about improving on a sufficient
9 level, and I'm trying to get to the point
10 between sufficient and insufficient.

11 A. You're trying to get me to say that
12 the training was insufficient back then. I
13 understand that.

14 Q. I'm trying to understand that, and
15 if you believe --

16 A. It's hard for me to understand it
17 when I wasn't there in 2009.

18 Q. Really what I'm trying to say is
19 this memo seems to indicate it was
20 insufficient. Not that you have personal
21 knowledge of that, but that's what's in the
22 memo.

23 A. I'll agree with that.

24 Q. Okay. That's all I was trying to
25 get.

1 A. RAGANELLA

2 A. You should have just asked that
3 then.

4 Q. Okay, I'm sorry. In a plain way.
5 Does this memo indicate that the author
6 believes that disorder control training at
7 this time was insufficient?

8 MS. MITCHELL: Objection.
9 You're asking him to speculate
10 as to what another person
11 thought.

12 A. My opinion on what another person
13 thought is that that may indicate that,
14 yes.

15 Q. And the concern was not just about
16 the amount of training, but the scope of
17 training as well. Correct?

18 A. Correct.

19 Q. And it contains a proposal to
20 update the disorder control training, does
21 it not?

22 A. Yes.

23 Q. Do you know if this proposal was
24 accepted and instituted?

25 A. I do not know.

1 A. RAGANELLA

2 Q. Okay. Would you know if it had been
3 instituted?

4 A. If I knew that, I would be able to
5 tell you that it was. So, I don't know.

6 Q. Well this is from September 2009.
7 You took over disorder control in July of
8 2010, correct?

9 A. August of 2010.

10 Q. Okay. And so, this is less than a
11 year later, correct?

12 A. Correct.

13 Q. And so, there's specific lectures
14 that are listed here, do you know if each
15 of these were instituted?

16 A. Yes, these are all blocks of
17 instruction that were being conducted when
18 I took over the disorder control unit. And
19 they were the same blocks of instruction
20 that were done for over a decade.

21 Q. Over a decade before or after?

22 A. Before.

23 Q. Okay. So obviously this is a
24 proposal. So, it seems like it can't be
25 exactly the same as what was being done

1 A. RAGANELLA

2 before, or else it's not a proposal, it's a
3 restatement of what's being done.

4 A. I'm speaking of the general topics
5 of blocks of instruction. When we drill
6 down and look at individual lesson plans, I
7 don't know if anything was modified or
8 changed in those blocks of instruction.

9 Q. Okay. Now this proposed a two-day
10 disorder control training, correct?

11 A. Yes.

12 Q. And it proposed two consecutive
13 days, correct?

14 A. It says two consecutive days.

15 Q. And it has it broken down by day
16 one and day two, correct?

17 A. Correct.

18 Q. And it talks about lecture times,
19 correct?

20 A. Correct.

21 Q. And so that would indicate
22 classroom time as opposed to field exercise
23 time, correct?

24 A. No.

25 Q. So, lecture time could be in the

1 A. RAGANELLA

2 field?

3 A. Absolutely.

4 Q. Okay. And so --

5 A. Where do you see lecture time?

6 Q. On the right-hand side of --

7 A. I only see the word time, I don't
8 see the word lecture.

9 Q. Okay. So, when it talks about time,
10 this could just be the amount of time
11 focused on things. So, on the left where it
12 says training site, it talks about lecture.
13 Some says hands on, some says lecture.

14 A. Okay, yes, I see that.

15 Q. Hands on would probably correlate
16 to an exercise, and lecture would correlate
17 to a classroom.

18 A. Yes and no, because there are times
19 where we have done hands on training in a
20 classroom. And there are times where we
21 have done lectures out in the field at a
22 training site, outside of a classroom.

23 Q. Okay.

24 A. So, this is a proposal of a
25 recommendation, I don't know that this is

1 A. RAGANELLA

2 what was actually done.

3 Q. All right. So, it seems like if you
4 add up all the time, it's about eight hours
5 on the first day, and eight hours on the
6 second day. Is that how disorder control
7 was undertaking during your time as
8 commanding officer of the DCU?

9 A. Not clear on what you're asking.

10 Q. This is proposing a two-day, two
11 consecutive day training, eight hours each
12 day, mix of lecture and hands on on each
13 day. I'm asking you if that's what occurred
14 while you were the commanding officer of
15 disorder control training.

16 A. Two consecutive days?

17 Q. Yes.

18 A. Not that I recall.

19 Q. And was the breakdown of lecture to
20 hands on the same as what occurred while
21 you were at disorder control as a
22 commanding officer?

23 A. Well, if I don't recall this
24 occurring on two consecutive days, how
25 would I know that?

1 A. RAGANELLA

2 Q. So, okay, fair enough. Did you
3 conduct disorder control training based on
4 either day, day one or day two, and the
5 component is there. Did either of those
6 occur while you were the commanding officer
7 of disorder control training?

8 A. Absolutely.

9 Q. Okay. Which day would you be
10 focused on?

11 A. Both days.

12 Q. Okay. You would teach it as it's
13 written here, or would it be merged
14 together into something different?

15 A. We incorporated these blocks of
16 instruction into when we did mobilization
17 exercises primarily.

18 Q. Okay. So, it talks here about on
19 day one introduction to disorder control,
20 right?

21 A. Yes.

22 Q. And so, would that be something
23 that was incorporated into mobile
24 exercises, would that be a lecture? How
25 would that be taught under your watch as

1 A. RAGANELLA

2 commanding officer of disorder control?

3 A. Normally that would be taught as
4 classroom lecture.

5 Q. Okay. The next one is a guide to
6 civil disorder. And that's, withdrawing.
7 For the introduction of disorder control,
8 here it's listed as 60 minutes.

9 How long was it on disorder control
10 while you were commanding officer?

11 A. I don't know.

12 Q. How would you find out?

13 A. I wouldn't be able to.

14 Q. Were all of these components that
15 are listed here as day one and day two
16 combined into one day training at disorder
17 control?

18 A. Very well could have been.

19 Q. Okay. So obviously, the times
20 aren't going to match up because this is
21 two eight-hour blocks, and you guys are
22 doing it in one eight-hour block. Correct?

23 A. Correct.

24 Q. So, you're not going to be able to
25 know for sure how much of each component

1 A. RAGANELLA

2 was taught, correct?

3 A. That's correct.

4 Q. Okay. Are there any, withdrawn.

5 I note that high profile vehicle
6 rescue, that seems to be one of the main
7 components of the disorder control under
8 your watch, correct?

9 A. One of many, yes.

10 Q. Well you've testified before that
11 there were four main components to the
12 disorder control training while you were at
13 disorder control.

14 A. This is one of them, yes.

15 Q. One of the four, correct?

16 A. Correct.

17 Q. Okay. Other one was alluding arrest
18 tactics, yes?

19 A. Correct.

20 Q. Other one was the disorder control
21 formations?

22 A. Correct.

23 Q. And the other was mass arrest
24 tactics?

25 A. Correct.

1 A. RAGANELLA

2 Q. Okay. Here under we've talked about
3 the first one, the second one on day one is
4 the legalities of civil disorder. And here
5 they talk about a review of the first
6 amendment, disorderly conduct, riots --

7 A. I'm sorry, where are we? I'm lost.

8 Q. We're on day one.

9 A. Day one, okay.

10 Q. Second entry.

11 A. Yes, sir.

12 Q. It talks about legalities of civil
13 disorder, a review of the first amendment,
14 disorderly conduct, riot, and a review of
15 arrest warnings and proper legal procedures
16 at protests. Correct?

17 A. Yes.

18 Q. How did you teach those items at
19 disorder control?

20 A. I don't understand your question.

21 Q. Well this was something that was
22 being taught or was being proposed to be
23 taught in a fashion. And I'm wondering how
24 it did get taught while you were the
25 commanding officer of disorder control.

1 A. RAGANELLA

2 A. Still don't understand what you're
3 asking.

4 Q. Did you teach legalities of civil
5 disorder as it's written here?

6 A. Yes.

7 Q. Okay, as it's explained. So how did
8 you review the first amendment?

9 A. It could have been classroom, it
10 could have been out in the field during
11 mass arrest. There were times where
12 legalities of civil disorder, lectures from
13 the instructors were incorporated into mass
14 arrest out in the field.

15 Q. Was there a specific 45-minute
16 lecture for legalities of civil disorder?

17 A. There could have been.

18 Q. Was there a specific 45-minute
19 classroom lecture during disorder control
20 in 2011 to 2012, in that time frame we're
21 talking about here?

22 A. There could have been.

23 Q. And how would you know for sure
24 where it happened or did not happen?

25 A. That specific lesson plan being

1 A. RAGANELLA

2 used for a full 45 minutes, I wouldn't know
3 that.

4 Q. Okay. So, this is obviously part of
5 the question is that the 30(B)(6) notice.
6 And so, the question is, you're supposed to
7 have obviously been prepared to answer the
8 questions on behalf of the city of New
9 York. So, if you're not going to know, how
10 are we going to get an answer from the city
11 of New York?

12 A. You're probably not.

13 Q. So, we're just not going to know
14 whether or not this was taught in a lecture
15 setting, in a classroom, or how long it was
16 taught, correct?

17 A. It wasn't recorded, no.

18 Q. I'm not asking if it was reported,
19 I'm asking what your memory is. What you
20 know, what your knowledge is.

21 A. I said it was possible.

22 Q. Okay. All right, here you see how
23 it talks about review of arrest warnings,
24 correct? On the --

25 A. Are we still under --

1 A. RAGANELLA

2 Q. Yeah.

3 A. Okay, yes.

4 Q. We discussed earlier that there is
5 no arrest warning training when it involves
6 telling protestors to go to an alternative
7 location to protest, correct?

8 A. Restate the question.

9 Q. Previously you testified that you
10 do not do training at disorder control
11 about dispersal warnings or arrest warnings
12 when you're giving alternative locations to
13 protest, correct?

14 A. Correct.

15 Q. And so, the arrest warnings here
16 would not include any alternative location
17 type of warning, correct?

18 A. Unless it was written down and
19 documented somehow on the actual arrest
20 warnings, probably not.

21 Q. Okay. And we've reviewed the arrest
22 warnings, and there doesn't seem to be
23 anything like that. Correct?

24 A. On the arrest warnings that I
25 reviewed here today, I didn't see that.

1 A. RAGANELLA

2 Q. And you don't have any knowledge of
3 any arrest warnings that you trained at
4 disorder control that do have that,
5 correct?

6 A. Not that I recall. That doesn't
7 mean that there wasn't any though.

8 Q. So, do you know, withdraw.

9 Would you be able to look at this
10 two-page class recommendation and identify
11 the times that each of them actually are
12 taught under your watch at disorder
13 control?

14 A. No.

15 MS. MITCHELL: I need to
16 use the bathroom very quickly.

17 MR. STECKLOW: Okay, it's
18 3:06, we're taking a short
19 break.

20 (Whereupon, a short recess
21 was taken.)

22 (Back on the record.)

23 (Document marked Exhibit
24 25 for identification as of
25 this date by the reporter.)

1 A. RAGANELLA

2 MR. STECKLOW: The time is
3 now 3:13. We're back on the
4 record.

5 I've handed the witness
6 document Plaintiff's Exhibit 25
7 and asked if he can identify
8 the document.

9 A. (Witness perusing document.) Yes.

10 Q. And what can you identify it as?

11 A. Communication from me to the
12 Patroller of Task Force Commanding Officers
13 and my staff.

14 Q. And what is it that you're
15 identifying in that document?

16 A. The potential issue with the use of
17 flex cuffs.

18 Q. And what is the issue you're
19 identifying?

20 A. That they should only be utilized
21 by the Patroller of the Task Forces.

22 Q. And how did that information come
23 to you?

24 A. I do not recall.

25 Q. Were you overseeing many of the

1 A. RAGANELLA

2 mass protests, mass arrests at the protest
3 that were active on Wall Street?

4 A. Not clear by what you mean by
5 overseeing.

6 Q. Well, you made specific requests
7 for Task Force equipment multiple times
8 during Occupy Wall Street. Isn't that
9 correct?

10 A. Yes.

11 Q. And you made recommendations for
12 Command Post operations during Occupy Wall
13 Street. Isn't that right?

14 A. Yes.

15 Q. And you reviewed and made
16 recommendations regarding mass arrests
17 operations during Occupy Wall Street. Isn't
18 that right?

19 A. Yes.

20 Q. Did you review and make any
21 recommendations as to sidewalk policing?

22 A. Which one?

23 Q. Did you review and make any
24 recommendations as to the policing of the
25 sidewalk protests at Occupy Wall Street?

1 A. RAGANELLA

2 A. Not that I recall.

3 Q. Did you review and make any
4 recommendations as to the policing of "a
5 clear and present danger" during Occupy
6 Wall Street protests?

7 MS. MITCHELL: Objection.
8 You can answer.

9 A. I don't specifically recall making
10 recommendations on legal matters. No.

11 Q. Okay.

12 Did you review and make any
13 recommendations on the impedance of
14 pedestrians during Occupy Wall Street?

15 MS. MITCHELL: Objection.
16 Asked and answered.

17 A. Again, not that I recall.

18 Q. And in this memo, you wrote that
19 the Department is critically low on
20 flexicuffs. Right?

21 A. Yes.

22 Q. And so, you were on top of the
23 equipment that the officers were using to
24 police Occupy Wall Street. Correct?

25 A. Specifically, to Patrol Borough

1 A. RAGANELLA

2 Task Forces because one of TCU's core
3 functions was logistics related to the, we
4 acquired and disseminated a lot of
5 equipment for the Patrol Borough Task
6 Forces.

7 Q. In addition to training the Patrol
8 Borough Task Forces, correct?

9 A. Yes, sir.

10 Q. And so, during Occupy Wall Street,
11 you were either tasked with or accepted the
12 responsibility for the review of the
13 equipment that these individuals had when
14 they were policing Occupy Wall Street.
15 Correct?

16 A. Yes, sir.

17 Q. You tasked with reviewing the
18 policing they were doing of Occupy Wall
19 Street? Their constitutionality of their
20 policing of sidewalk protests?

21 MS. MITCHELL: Objection.

22 You can answer.

23 A. I did not get involved in legal
24 matters or making recommendations on legal
25 matters. No.

1 A. RAGANELLA

2 Q. Okay. I'm asking about the policing
3 aspect. Right?

4 A. Then I don't understand what you're
5 asking.

6 Q. I'm asking you if you were ever
7 tasked with a review of the police conduct
8 during sidewalk protests during Occupy Wall
9 Street.

10 MS. MITCHELL: Objection.

11 You can answer.

12 A. Not that I recall.

13 Q. Is there anything that you could
14 look at that could refresh your
15 recollection?

16 A. Not that I'm aware of.

17 Q. You recall being tasked with
18 ensuring that there were sufficient amounts
19 of flexicuffs for the Task Force. Correct?

20 A. Correct.

21 Q. Were you also tasked with ensuring
22 there were sufficient amounts of pepper
23 spray canisters for the Task Force?

24 A. Yes.

25 Q. Were you tasked with ensuring they

1 A. RAGANELLA

2 had sufficient millennium masks?

3 A. Yes.

4 Q. But you're not, you don't recall
5 whether or not you were tasked with
6 reviewing their sidewalk protests and
7 updating training?

8 MS. MITCHELL: Objection.
9 You can answer.

10 A. So, I don't recall specifically
11 being tasked with updating or modifying
12 training regarding to what it is that
13 you're asking. That is not to say that I
14 didn't have conversations about it though.
15 But I just don't recall having those
16 conversations.

17 Q. You never wrote a memo about a need
18 to update training in regard to sidewalk
19 protests during Occupy Wall Street.
20 Correct?

21 A. Not that I can recall.

22 Q. And you haven't seen such memo.
23 Correct?

24 A. Not that I'm aware of.

25 Q. And disorder control training was

1 A. RAGANELLA

2 not updated in regard to sidewalk protest
3 during Occupy Wall Street. Correct?

4 MS. MITCHELL: Objection.

5 You can answer.

6 A. Not that I'm aware of.

7 Q. And you would be aware if it was
8 updated, wouldn't you? You were the
9 Commanding Officer of Disorder Control in
10 this time period.

11 A. I should be. Yes.

12 Q. So, if you're not aware of it,
13 that's because it did not happen. Correct?

14 A. I can't say that.

15 Q. So, somebody could have updated
16 Disorder Control training while you were
17 the Commanding Officer, and you wouldn't
18 know.

19 A. I would hope that that doesn't
20 happen, but I can't say that it is an
21 impossibility.

22 Q. You don't have any independent
23 knowledge that the training was ever
24 updated during Occupy Wall Street at
25 Disorder Control in regard to sidewalk

1 A. RAGANELLA

2 protests.

3 MS. MITCHELL: Objection.

4 You can answer.

5 A. I'm a pretty hands-on guy, and I
6 don't recall that happening.

7 (Document marked Exhibit
8 26 for identification as of
9 this date by the reporter.)

10 Q. Let me show you what I'm now
11 marking as 26, Plaintiff's 26.

12 A. (Witness perusing document.)

13 Q. I know for sure that there's copies
14 of them in there, but I can't find them, so
15 you and I are going to have to just deal
16 with that.

17 Let me ask you if you've ever seen
18 that document before.

19 MS. MITCHELL: Okay.

20 Q. Document, did I recommend that?

21 Document 26 is an Advance Command
22 Leadership. Is that correct?

23 A. Yes, that's what it's titled. Yup.

24 Q. Have you seen this document before?

25 A. I don't recall seeing it.

1 A. RAGANELLA

2 Q. Is it something that's taught at
3 Disorder Control training or elsewhere?

4 A. I don't know where it's taught, but
5 it's not something that came from the
6 Disorder Control unit. And from what I'm
7 reading on the cover, it appears to be a
8 draft.

9 Q. It is says on the left side that it
10 was August 17, 2012. Is that correct?

11 A. I'm sorry. Can you repeat that?

12 Q. Does it say on there that the last
13 revision is August 17, 2012?

14 A. No.

15 Q. What does it say that the last
16 revision is?

17 A. 0900 hours, August 20, 2012.

18 Q. I stand corrected.

19 Since you haven't seen this and
20 it's not from Disorder Control, I think
21 it's outside the scope, so I'm going to put
22 it away.

23 Looking back at 25, this is an
24 email from you to a bunch of chiefs,
25 correct?

1 A. RAGANELLA

2 A. No.

3 Q. Who's it to?

4 A. It's addressed, the email
5 communication is addressed to the, at the
6 time, the Patrol Borough Task Force
7 Commanding Officers. CC'd on it was my
8 staff as well as my Commanding Officer at
9 the time.

10 Q. So, this is all eight Patrol
11 Borough....

12 A. Commanding Officers.

13 Q. Commanding Officers. Are they all?

14 A. Yes, sir. Thank you.

15 Q. And it's from you to them, correct?

16 A. Yes.

17 Q. Okay.

18 And this document indicates that
19 the NYPD did not consider OWS protestors to
20 be violent. Correct?

21 A. I'm sorry, repeat that.

22 Q. This document indicates that the
23 NYPD did not consider Occupy Wall Street
24 protestors to be violent. Correct?

25 MS. MITCHELL: Objection.

1 A. RAGANELLA

2 You can answer.

3 A. Can you give me a moment to review
4 it?

5 Okay, what's your question?

6 Q. Did the NYPD consider Occupy Wall
7 Street protestors to be violent?

8 MS. MITCHELL: Objection.

9 You can answer.

10 A. Am I speaking on behalf of the
11 department or my email?

12 Q. Is this an email from you or is it?

13 A. Yes, it's an email from me.

14 Q. It seems to have quotation marks
15 around it. Correct?

16 MS. MITCHELL: Isn't that
17 an asterisk?

18 THE WITNESS: That's an
19 asterisk.

20 MS. MITCHELL: Yeah.

21 A. Yeah, those are asterisks at the
22 beginning of each paragraph.

23 Q. Okay.

24 A. Used as bullet points.

25 Q. Okay. Sorry.

1 A. RAGANELLA

2 You write in the third full
3 paragraph here that they are not inherently
4 violent or physical toward us. Correct?

5 A. As of October 7, 2011, I did not
6 witness them to be inherently violent or
7 physical towards us.

8 Q. And you believed that they were
9 disorganized.

10 A. That was my opinion, yes.

11 Q. And you believed that they were
12 annoying, yes?

13 A. At times, yes.

14 MS. MITCHELL: Wylie, I'm
15 going to interject here because
16 I think this goes to what we
17 were discussing prior to the
18 beginning of the deposition. I
19 think that it's not clear what
20 capacity the witness is
21 testifying is.

22 MR. STECKLOW: Fair.

23 MS. MITCHELL: Is he
24 testifying in his individual
25 capacity? Or are you asking

1 A. RAGANELLA

2 this question as those...

3 MR. STECKLOW: I believe
4 that he's been answering it in
5 his individual capacity.

6 Q. Am I correct?

7 A. Correct.

8 Q. And I think that you made that
9 clear in an earlier answer.

10 MS. MITCHELL: But I just
11 wanted to clarify your intent.

12 MR. STECKLOW: I have no
13 problem with the clarification.
14 Okay?

15 MS. MITCHELL: Thank you.

16 Q. Did you consider the Occupy
17 protestors to be unified?

18 A. Not at.... As of this writing, no.

19 Q. Did you consider them to be true
20 anarchists?

21 A. No.

22 Q. Now this was your opinion. Correct?

23 A. This was my opinion of the movement
24 as a whole. Yes.

25 Q. Okay.

1 A. RAGANELLA

2 A. At that time.

3 Q. And you were communicating this to
4 the 8 commanders of the Patrol Borough Task
5 Force. Correct?

6 A. Correct.

7 Q. And do you believe that this was
8 your opinion that you were giving them, and
9 they were going to accept? Do you think
10 this was something they were going to
11 question? Something they were going to
12 share with the Task Force themselves? What
13 was your belief of why you were writing
14 this information in this email?

15 A. It was just an FYI for their
16 information as to my observations and
17 opinions as to what we've experienced and
18 witnessed thus far in the movement.

19 Starting off with the issues about
20 equipment in the beginning.

21 Q. Okay.

22 Did your opinions change at any
23 time?

24 A. Yes.

25 Q. And when was that?

1 A. RAGANELLA

2 A. I don't know.

3 Q. And what did your opinion change
4 to?

5 A. As the movement went out,
6 subsequently, I did see some violent
7 tendencies. I did notice that there were
8 some anarchist tactics that were used. And
9 that they, at various points and different
10 demonstrations and protests, they did seem
11 to be more unified and organized than they
12 were previously.

13 Q. Did you believe that they were a
14 violent organization or a non-violent
15 protest movement?

16 A. So, you're asking me to speak about
17 the movement as a whole or individuals
18 within?

19 Q. I'm asking for the movement as a
20 whole within New York City.

21 A. The movement as a whole in New York
22 City, my opinion is that they were not
23 radically violent. No.

24 (Document marked Exhibit
25 27 for identification as of

1 A. RAGANELLA

2 this date by the reporter.)

3 Q. I'm going to ask you to look at
4 what's marked as 27.

5 Do you recognize this document?

6 A. Yes.

7 Q. And what is this document?

8 A. These are issues related to Occupy
9 Wall Street that, if I recall correctly,
10 they were notes that I had drafted to
11 myself as issues and points regarding the
12 movement.

13 Q. Was this document disbursed or
14 distributed in any fashion?

15 A. Not that I recall.

16 Q. Was this document given to the Task
17 Force individuals in the email identified
18 as 26?

19 A. Not that I'm aware of. No.

20 Q. Why did you create this document?

21 A. I created this document for my own
22 personal knowledge to keep a record of what
23 I was witnessing within or during the
24 movement.

25 Q. And when did you create this

1 A. RAGANELLA

2 document?

3 A. That I don't know.

4 Q. Okay.

5 So, second from the bottom, it
6 says, "Drummers give warnings at 2130, then
7 he'd stop by 22. They don't stop entrance
8 into custody for evidence."

9 So, this a note to yourself,
10 correct?

11 A. Yes.

12 Q. So how is that information, which
13 seems like a very specific rule that you're
14 trying to institute, how is that
15 communicated to individuals on the scene
16 that will actually make that happen?

17 A. That wouldn't be my call to make.
18 So, I don't recall where that came from.

19 Q. So again, is something that you
20 thought up but never instituted? Or do you
21 think someone told you that and you were
22 just identifying it as something that's in
23 existence.

24 A. I do not know. That doesn't look
25 familiar to me. Even though I'm reading it

1 A. RAGANELLA

2 and I know that I wrote it, I don't recall
3 where that came from.

4 Q. Alright.

5 The second thing on the
6 recommendations: "Make a list of CUNY
7 residents who complain of noise and
8 nuisance abatement issues."

9 A. Wait, I'm sorry, where are we?

10 Q. Second under recommendations.

11 A. Okay.

12 Q. Is that a recommendation that you
13 made?

14 A. Not that I recall.

15 Q. So, you don't think that's your
16 writing?

17 A. Well, that could very well be my
18 writing that I made a note to myself. I
19 don't know that that was a recommendation
20 that was made outside my head though.

21 Q. Okay. Why do you believe that it
22 was a good idea to make a list of community
23 residents who complained of noise and
24 nuisance abatement issues?

25 A. I don't recall what I was thinking

1 A. RAGANELLA

2 at the moment that I wrote this.

3 Q. What does PPE stand for?

4 A. Personal Protective Equipment.

5 Q. And what does that consist of?

6 A. Personal Protective Equipment would
7 be, during this time, the Disorder Control
8 helmet, gloves, millennium mask, anything
9 that could be used to protect the officer.

10 Q. Now on the same document, you are
11 stating that they are not a violent towards
12 the police. Correct?

13 Not the same document. Under
14 protestor. Second one down.

15 Can you read that out loud?

16 A. "Not very unified." Is that what
17 you're talking about? The second?

18 "Not very unified or organized. Nor
19 are they particularly violent towards us."

20 Q. So that's your description of the
21 individual protestors. Correct? In this
22 document.

23 A. I don't know that I was speaking of
24 any one particular protestor. This is the
25 movement as a whole. And again, I don't

1 A. RAGANELLA

2 know what the date was on this document.

3 Q. But on the same date that you're
4 identifying them as not particularly
5 violent towards the police, you're also
6 stating that all this Personal Protective
7 Equipment should be carried at all times.
8 Correct?

9 A. Correct.

10 Q. So that, the reason of that, is
11 towards the goals that we looked at
12 earlier, which is intimidation of large
13 groups. Correct?

14 A. No.

15 MS. MITCHELL: Objection.
16 You may answer.

17 Q. No. It's the psychological response
18 that a large group of police have on a
19 group of people.

20 MS. MITCHELL: Objection.
21 You can answer.

22 A. The purpose for PPE is to make sure
23 that my officers get home safely at the end
24 of the night without injury.

25 Q. Okay. Do they carry them 24/7 when

1 A. RAGANELLA

2 they're working? When they're on tour?

3 A. The Patrol Borough Task Force
4 members?

5 Q. Yes.

6 A. They are required to, yes.

7 Q. So, wherever they are, whatever
8 they're doing, they're with their PPE on
9 their bodies at all times.

10 A. They should be. Yes.

11 What do you mean on their bodies?

12 No. Withdrawn.

13 No, not on their bodies. They're
14 not on patrol with their helmet on. No.

15 Q. During their Occupy, were they on
16 patrol with their helmets on?

17 A. At times during protests and
18 demonstrations, they donned their helmets,
19 yes.

20 Q. During times. So, this is not
21 indicating that they should be walking
22 around with their equipment on. Correct?

23 It's not indicating that.

24 A. It's indicating that it should be
25 readily available to them if the need

1 A. RAGANELLA

2 arises.

3 Q. Okay. Looking back at this email, I
4 think it's 25, in here I think you raise
5 concerns about the misuse of the Task Force
6 operationally and tactically. Is that
7 correct?

8 A. What are we looking at? You pointed
9 to a specific spot.

10 I'm not seeing that.

11 Q. Look at the second to the last
12 paragraph that starts with "As I'm sure."

13 That sentence, can you read that
14 first sentence all the way through to
15 "tactically"?

16 A. Yeah.

17 "As I'm sure some of you have, I
18 have observed many misuses of the Task
19 Forces at OWS demo, both operationally and
20 tactically."

21 Q. Okay, so how did you observe them
22 misusing the Task Force operationally?

23 A. We trained the Patrol Borough Task
24 Forces, meaning the Disorder Control Unit,
25 the theory behind using the Patrol Borough

1 A. RAGANELLA

2 Task Forces was to use them operationally
3 and tactically to be available for
4 arresting protestors and demonstrators who
5 were engaged in unlawful behavior when an
6 incident Commander made the authorization
7 to make arrests.

8 I witnessed prior or up to the
9 writing of this email that some of, at
10 times some of the Patrol Borough Task
11 Forces were being used in a way that wasn't
12 consistent with what I believed they should
13 be used as, meaning that they were put out
14 on foot to escort or walk with
15 demonstrators and protestors.

16 Q. Okay. Is that the only way that you
17 saw the misuse of them operationally?

18 A. Yes.

19 Q. Okay. What did you mean by the
20 misuse of them tactically?

21 A. Well, I kind of used operationally
22 and tactically synonymously there. But
23 operation and the tactic of how they were
24 used pretty much covers the same idea as
25 what I just conveyed.

1 A. RAGANELLA

2 Q. So, you observed the Task Forces
3 when they were policing Occupy Wall Street.

4 A. Did I? I'm not clear on what you're
5 asking.

6 Q. You're identifying here that you
7 saw them misuse the Task Force
8 operationally and tactically. Correct?

9 A. At times.

10 Q. Therefore, you had to observe that.
11 Correct?

12 A. At times. Yes, I did observe.

13 Q. So, there were times when you were
14 observing the policing of Occupy Wall
15 Street by the Task Force. Correct?

16 A. At times. Yes.

17 Q. Did you ever write an email or
18 identify any times that the Task Force
19 operated improperly as related to sidewalk
20 protests?

21 MS. MITCHELL:

22 Objection.

23 You can answer.

24 A. Not that I recall.

25 Q. Did you ever write an email or

1 A. RAGANELLA

2 bring to anyone's attention any time you
3 may have seen a Task Force operating
4 outside of the training as given at
5 Disorder Control?

6 MS. MITCHELL: Objection.
7 You can answer.

8 A. Not that I recall.

9 Q. But that is what this letter does.
10 This email identifies a time when there's
11 operationally, tactically that's outside
12 the training that you give. Correct?

13 A. So, was your question asking
14 outside of this email or including?

15 Q. Yes, it was asking outside of this
16 email.

17 In fact, you did it when you saw
18 it. Operationally and tactically you saw a
19 problem, you wrote an email, you brought it
20 to people's attention. Correct?

21 A. Not always. No.

22 Q. In this instance, you did. Correct?

23 A. Correct.

24 Q. And this instance was October 7,
25 2011. Correct?

1 A. RAGANELLA

2 A. Correct.

3 Q. Almost in the middle of the
4 occupations at Zuccotti Park. Correct?

5 A. Correct.

6 Q. But you didn't write any similar
7 email when you observed policing of
8 sidewalk protests. Correct?

9 MS. MITCHELL: Objection.

10 You can answer.

11 A. Not that I recall.

12 Q. And if you had written one, you
13 would have been searching for it in
14 response to discovery that we requested
15 like you searched and found this email.
16 Correct?

17 A. Correct.

18 Q. So, if you didn't produce it, it
19 means it doesn't exist. Correct?

20 A. I.... I don't know.

21 Q. So, it could exist. You may not
22 have produced it. You may have a decision
23 not to give it to your lawyer?

24 A. That's what I'm saying.

25 Q. Okay, so what are you saying?

1 A. RAGANELLA

2 A. If something got deleted or if
3 something didn't show up, I don't have
4 control over the technology of emails. But
5 if it was there and I saw it, we would be
6 looking at it.

7 Q. Right.

8 So other than a failure of
9 technology or somebody fraudulently
10 deleting an email, if you had created such
11 an email, such a notice of sidewalk
12 protests issued outside of Disorder Control
13 training, it would be here. Correct?

14 A. Correct.

15 Q. And since it's not here, it's more
16 likely than not that it just doesn't exist.
17 Correct?

18 A. Want my opinion on that?

19 Q. Yes.

20 A. I agree.

21 Q. What training was developed on not
22 losing patience with non-violent sidewalk
23 protestors?

24 A. That's incorporated as a staple to
25 all the training that we do. We instruct

1 A. RAGANELLA

2 the officers to remain unbiased and to not
3 get baited by some of the protestor tactics
4 of what I call "in-your-face" passive
5 resistance.

6 Q. Right. And was that something that
7 was developed in response to Occupy Wall
8 Street or something that existed
9 previously.

10 A. It existed long before Occupy Wall
11 Street.

12 Q. And is it the same type of training
13 that you wanted..... Withdrawn.

14 Is the same type of training that
15 would be related to keeping a check on your
16 emotions and dealing with non-violent
17 sidewalk protestors?

18 A. Repeat that.

19 Q. I believe I heard you talk about
20 losing patience with non-violent sidewalk
21 protestors, checking your emotions, and
22 remaining in control and professional.
23 Correct?

24 A. Correct.

25 Q. So, I'm asking you if it's the same

1 A. RAGANELLA

2 training that you just described for not
3 losing patience, is that the same, would
4 that be the same answer about keeping a
5 check on your emotions?

6 A. I'm not clear on what you're asking
7 between patience and emotions.

8 Q. No problem.

9 What training was developed on
10 helping officers deal with keeping a check
11 on their emotions when dealing with non-
12 violent sidewalk protestors?

13 A. We have a lesson plan on
14 demonstrator tactics that deals with that
15 particular issue.

16 Q. And what is the training that you
17 give to people on that?

18 A. What I related to before that
19 officers when they are policing First
20 Amendment protected assemblages to remain
21 unbiased, to allow, to make accommodations
22 for people to exercise their First
23 Amendment right, and if they are engaging
24 in tactics where they are attempting to
25 engage the police in baiting them somehow

1 A. RAGANELLA

2 to remain patient and not get their
3 emotions personally involved in the
4 policing of the demonstrators.

5 Q. What training was developed to
6 remain in control and professional in
7 dealing with non-violent sidewalk
8 protestors?

9 A. Repeat that.

10 Q. What training was developed on
11 remaining in control and professional when
12 dealing with non-violent sidewalk
13 protestors?

14 A. That would be the same training.
15 That covers both.

16 Q. Okay. Perfect.

17 That was all that I was asking you
18 for. We had to go circular to get it, but
19 we got there.

20 A. Gotcha.

21 Q. Throughout the year from September
22 2011 to August 2012, were there any
23 incidents on the street or anything while
24 delivering training that caused you to
25 update or modify any lesson plan regarding

1 A. RAGANELLA

2 Disorderly Conduct?

3 A. Not that I recall.

4 Q. Is there anything that you could do
5 to refresh your recollection?

6 A. Not that I can think of.

7 Q. Throughout the year, were there any
8 incidents on the street or anything while
9 delivering training that caused you to
10 update or modify any lesson plan regarding
11 the balance of mere inconvenience of
12 pedestrians versus a full impedance of
13 pedestrians.

14 MS. MITCHELL: Objection.
15 You can answer.

16 A. Not that I'm aware of.

17 Q. Throughout the year, were there any
18 incidents on the street or anything while
19 delivering training that caused you to
20 update or modify any lesson plan regarding
21 the "clear and present danger" rule?

22 MS. MITCHELL: Objection.
23 You can answer.

24 A. Not that I'm aware of.

25 Q. Throughout the year, were there any

1 A. RAGANELLA

2 incidents on the street or anything while
3 delivering training that caused you to
4 update or modify any lesson plan on the
5 time, place, and manner rule?

6 MS. MITCHELL: Objection.
7 You can answer.

8 A. Not that I'm aware of.

9 Q. Throughout the year, were there any
10 incidents on the street or anything while
11 delivering training that caused you to
12 update or modify any lesson plan on
13 providing alternative location for people
14 to protest when giving a dispersal letter?

15 MS. MITCHELL: Objection.
16 You can answer.

17 A. Not that I'm aware of.

18 Q. Throughout the year, were there any
19 incidents on the street or anything while
20 delivering training that caused you to
21 update or modify any lesson plan concerning
22 a means of egress after being a dispersal
23 order?

24 MS. MITCHELL: Objection.
25 You can answer.

1 A. RAGANELLA

2 A. Not that I'm aware of.

3 Q. Alright. I'm going to mark this as.
4 Wait, that's 27. 28.

5 A. Do I still need these?

6 Q. I'd like to look at D-153. 1, 2,
7 no, that's the wrong document.

8 MS. MITCHELL: Do you want
9 this back?

10 MR. STECKLOW: Yes,
11 thanks.

12 (Document marked Exhibit
13 28 for identification as of
14 this date by the reporter.)

15 Q. Alright. I'm showing you what's
16 been marked as, I think that's 28. It
17 starts at D-15339.

18 Please go to D-15342.

19 A. (Witness perusing document.)

20 Q. Do you recognize that document?

21 A. Yes.

22 Q. And what is that document?

23 A. It appears to be an instructor's
24 guide or lesson plan from the Police
25 Academy in regard to demonstrations.

1 A. RAGANELLA

2 Q. I'm going to take this back for a
3 second and say that this has already been
4 marked by 5.

5 MS. MITCHELL: Yeah.

6 MR. STECKLOW: So, we're
7 going to take the 28 off and
8 use that for something else.
9 So, this is 5.

10 I'm going to ask you to
11 look at 15342.

12 Q. I'm going to ask you to look at
13 number 5. That clause there. Is that part
14 of the training given at Disorder Control?

15 A. In regard to "clear and present
16 danger", we have that in our guidelines,
17 legal guidelines, for demonstrations. Yes.

18 Q. Is this standard accurate?

19 MS. MITCHELL: Objection.
20 Calls for legal conclusion.

21 You can answer.

22 A. I'm not an attorney. I don't know.

23 Q. You train and oversaw the training
24 of over 12,000 officers in this current
25 year that we're talking about plus many

1 A. RAGANELLA

2 more. So, I'm asking you, Is the standard,
3 i.e., blocking pedestrian traffic, the
4 standard for taking away somebody's right
5 to assemble?

6 MS. MITCHELL: Objection.
7 You can answer.

8 A. It very well could be.

9 Q. Those three words by themselves,
10 that's sufficient?

11 MS. MITCHELL: Objection.

12 A. Depending on the context of what's
13 happening.

14 Q. So that's the training that could
15 be given, is simply "blocking pedestrian
16 traffic"?

17 A. I didn't say that.

18 Q. Okay.

19 So, you believe that this possibly
20 the correct standard.

21 MS. MITCHELL: Objection.
22 You can answer.

23 A. Again, given the circumstances
24 surrounding how and why pedestrian traffic
25 is being blocked, could absolutely present

1 A. RAGANELLA

2 a "clear and present danger."

3 Q. By the way it's written, is that
4 sufficient to explain the standard?

5 MS. MITCHELL: Objection.

6 You can answer.

7 A. Again, the way it's written, I
8 could see how blocking pedestrian traffic
9 creates a "clear and present danger." Yes.

10 Q. Okay. Is infringement of
11 unobstructed pedestrian passage the correct
12 standard for a disorderly conduct arrest
13 during a peaceful sidewalk protest in a
14 First Amendment setting?

15 MS. MITCHELL: Objection.

16 Calls for legal conclusion.

17 You can answer.

18 A. Repeat the question.

19 Q. Is the infringement of unobstructed
20 pedestrian passage the correct standard for
21 disorderly conduct arrest during a peaceful
22 sidewalk protest in a First Amendment
23 setting?

24 MS. MITCHELL: Again.

25 Objection.

1 A. RAGANELLA

2 You can answer.

3 A. I imagine it could be.

4 Q. Is that what's trained at Disorder
5 Control?

6 A. What's trained at Disorder Control
7 could conceivably take into consideration
8 that people engaged in protests and
9 demonstrations can block pedestrian traffic
10 on the sidewalks, yes. There is that
11 possibility.

12 Q. Alright. Let me go back to what's
13 been previously marked as number 6.

14 I'm going to ask you to look at
15 page 15278.

16 A. Yes.

17 Q. The first sentence at the top of
18 that page. It states. Can you read what it
19 states? We're talking about that first
20 sentence.

21 A. Sure. We're talking about under "A.
22 Public Streets"?

23 Q. Yes.

24 A. "A strong governmental interest
25 must be established before a demonstration

1 A. RAGANELLA

2 on public streets may be restricted."

3 Q. And then, what's the next sentence?

4 A. "Inconvenience to the public
5 without more is not adequate reason, is not
6 an adequate reason, to restrict a
7 demonstration."

8 Want me to keep reading or?

9 Q. Is that the correct standard for
10 the sidewalk protest?

11 MS. MITCHELL: Objection.

12 You can answer.

13 A. I don't know.

14 Q. Do you know what "strong government
15 interest" means?

16 MS. MITCHELL: Objection.

17 You can answer.

18 A. In legal terms? No.

19 Q. In the way that you train at
20 Disorder Control.

21 A. Yes.

22 Q. And what does that mean in the way
23 that you train at Disorder Control?

24 A. It means to me that the strong
25 governmental interest would mean that the

1 A. RAGANELLA

2 reason why the police department is moving
3 people or doing something in regard to
4 demonstrations or protests outweighs, that
5 ability to do that outweighs the right for
6 them to protest or demonstrate.

7 Q. And is that how it's trained at
8 Disorder Control?

9 A. Yes.

10 Q. And how is it explained when
11 something outweighs the right to the
12 protest?

13 A. We would most likely use examples
14 to the students that we're teaching to be
15 able to convey what an example of that
16 would be.

17 Q. Okay.

18 And for a pedestrian... Withdrawn.

19 For a sidewalk protest to be
20 restricted, must it impact pedestrian
21 traffic?

22 MS. MITCHELL: Objection.

23 You can answer.

24 A. Repeat the question?

25 Q. For a sidewalk protest to be

1 A. RAGANELLA

2 restricted, must it impact pedestrian
3 traffic?

4 A. No.

5 Q. What other reasons would there be
6 for a peaceful sidewalk protest to be
7 restricted?

8 A. Public safety issue.

9 Q. Okay. And what would the public
10 safety issue have to be for a peaceful
11 sidewalk protest to be restricted?

12 A. I could give you an example.

13 Q. Please.

14 A. If I have a group of people that
15 are legally protesting and demonstrating on
16 the sidewalk and if I was the Incident
17 Commander that was there and one of my
18 Officers or a member of the public not
19 involved in the demonstration or protest
20 came to me and said, 'Excuse me, but
21 there's a suspicious package/knapsack
22 that's on the sidewalk there. I think there
23 might be a bomb in there. There's wires
24 hanging out of it.' For public safety
25 reasons, I have the right to restrict that

1 A. RAGANELLA

2 demonstration or protest and move them to a
3 different location.

4 MR. STECKLOW: Okay. Let's
5 watch the McCallan video.

6 MR. STARKEY: Okay.

7 Q. Okay. Now I'm going to show you
8 another video that's part of Exhibit 1,
9 Plaintiff's Exhibit 1. We're going to start
10 it at, right around 45 seconds. I ask you
11 to watch this with me.

12 A. Okay.

13 (Whereupon, the witness
14 was shown a video.)

15 (Back on the record.)

16 Q. 40 seconds of video. Have you see
17 that video before?

18 A. I don't recall seeing that.

19 Q. Okay. You saw the arrest that
20 occurred there of the individual in what
21 looks to be like a purple t-shirt? He was
22 at the front of a march, correct?

23 A. It appears that way.

24 Q. The march was on a street and then
25 was coming through a scaffolding area,

1 A. RAGANELLA

2 correct?

3 A. Correct.

4 Q. The sidewalk was more narrow in the
5 scaffolding area, correct?

6 A. Sure.

7 Q. Was this crowd riotous?

8 A. It didn't appear to be.

9 Q. Were they peaceful?

10 A. It appeared to be.

11 Q. They were joyous, no? Dancing even?

12 MS. MITCHELL: Objection.

13 A. I can't tap into their emotions
14 but --

15 Q. Were they dancing?

16 A. I didn't see anybody dancing.

17 Q. Let's go back. Does it look like
18 some people are dancing?

19 A. Those are pretty bad dance moves,
20 but yeah. I didn't see that as a dance move
21 I guess.

22 Q. All right. Do you see pedestrians
23 in here who are trying to go against the
24 march and can't got against the march, who
25 are having a difficult time on the

1 A. RAGANELLA

2 sidewalk?

3 MS. MITCHELL: Objection.

4 You can answer.

5 A. I did see an individual step out
6 into the roadway and come back around the
7 sidewalk.

8 Q. Was that [crosstalk] --

9 A. Traveling in the same direction.

10 Q. Somebody with a camera who was
11 photographing?

12 A. Correct.

13 Q. You see the police are in the
14 middle of the street, as well as, you know,
15 close to the curb, but in the street?

16 A. Yes.

17 Q. Do you believe that the arrest of
18 the individual in the purple shirt is
19 consistent with the training received at
20 Disorder Control?

21 MS. MITCHELL: Objection.

22 You can answer.

23 A. I don't know what he was arrested
24 for.

25 Q. If he was arrested for disorderly

1 A. RAGANELLA

2 conduct or blocking pedestrian traffic,
3 would that be consistent with the training
4 received at Disorder Control?

5 MS. MITCHELL: Objection.

6 You can answer.

7 A. Based solely on the few seconds of
8 the video that I saw I would say not from
9 what I saw, no.

10 Q. Okay. I'm going to show you another
11 video and then ask a similar question.

12 A. Can you just tilt it? Yeah, that's
13 perfect.

14 Q. Can you see the video?

15 A. Yes, sir.

16 (Whereupon, the witness
17 was shown a video.)

18 (Back on the record.)

19 Q. I'm interested in the first person
20 that's arrested, did you see him?

21 A. Difficult to see.

22 Q. Were you able to see anything that
23 individual had done that would warrant his
24 arrest there?

25 MS. MITCHELL: Objection.

1 A. RAGANELLA

2 You can answer.

3 A. First time I see that individual he
4 appears to be in handcuffs.

5 Q. Did it seem that a line of officers
6 was led onto the sidewalk to what I would
7 say deep into the sidewalk, just meaning
8 away from the curb line towards the
9 building, and that's where they identified
10 and picked up that individual and arrested
11 him?

12 MS. MITCHELL: Objection.

13 You can answer.

14 A. We're talking about that first
15 individual?

16 Q. Yeah. Pause for a second. These
17 individuals here that are lining up, are
18 they members of the task force?

19 A. They appear to be.

20 Q. Do you know who this individual is
21 in the white shirt who seems to be
22 supervising them?

23 A. I do not, but he wouldn't be the
24 supervisor of the task force --

25 (Whereupon, the witness

1 A. RAGANELLA

2 was shown a video.)

3 (Back on the record.)

4 Q. I've stopped it at 1:43. At this
5 point, does it seem that there's a line of
6 blue shirt officers heading off the street,
7 off the curb line, into the sidewalk?

8 A. Yes.

9 Q. Not the edge of the sidewalk, but
10 towards the building line of the sidewalk,
11 correct?

12 A. Correct.

13 Q. We can't tell any reason why they
14 would be doing that from the video we're
15 watching, correct?

16 A. I would have no way of knowing
17 that.

18 Q. It's showing a lot of different
19 people in different areas and they seem to
20 have gone away from the people who are on
21 the street and onto the sidewalk, correct?

22 A. Those particular officers, yes.

23 Q. They now, against the building
24 line, have detained one individual,
25 correct?

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2 MS. MITCHELL: Objection.

3 You can answer.

4 A. It doesn't seem like it's against
5 the building though, it seems like it's
6 against the entrance to a location, a
7 financial location it looks like, the
8 doorway entrance.

9 Q. Okay, so did you see any reason ...
10 I understand it's hard to see here and I'll
11 show you another video, I'm asking you in
12 this video, were you able to see any reason
13 why this individual was picked out of that
14 entire crowd for arrest?

15 MS. MITCHELL: Objection.

16 You can answer.

17 A. Yes.

18 Q. What was that?

19 A. It appeared to me, from the
20 location where I first observed him, that
21 he was standing in front of the entrance to
22 a location.

23 Q. You think he may have been blocking
24 the doorway and that would give cause for
25 his arrest?

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2 A. It's possible.

3 Q. Let's watch the other video. Okay.
4 Can you see the video?

5 A. Yeah.

6 Q. Okay. This white shirt officer
7 here?

8 A. Yes.

9 Q. Who is that?

10 A. Chief Hall [phonetic].

11 Q. Okay. Was Chief Hall the one who
12 led into that crowd and grabbed that
13 individual?

14 A. I don't know, I can't tell.

15 Q. Is this Chief Hall?

16 A. No.

17 Q. Who is that?

18 A. That's Captain Gromner [phonetic],
19 who was the commanding officer for Brooklyn
20 North Task Force.

21 Q. Okay, so he was the first one to
22 put hands on this individual, correct?

23 A. From that ... I don't know what
24 happened prior to this, but from what I'm
25 seeing here, he's the first one.

1 A. RAGANELLA

2 Q. Is he the only officer with his
3 hands on this individual?

4 A. At this point, yes.

5 Q. Okay. Are there other officers
6 within the screen at this point? Or is he
7 the only officer in the screen?

8 A. He's the only officer I see in the
9 screen at this point.

10 Q. Okay. Other than your statement
11 earlier that perhaps he was arrested for
12 blocking the doorway, is there any other
13 reason you can come up with or you can
14 identify that would establish a probable
15 cause for this man's arrest?

16 A. Sure.

17 Q. What is that?

18 MS. MITCHELL: Objection.

19 You can answer.

20 A. He may have committed a homicide,
21 he may have threw a bottle, I don't know
22 what he did.

23 Q. Okay. From what you can see in the
24 video is there any reason, other than the
25 doorway that you've identified, for him to

1 A. RAGANELLA

2 have been arrested?

3 A. I can't see much in the video, so
4 no.

5 Q. Did you hear any warnings for
6 people to move away from the door, prior to
7 his arrest?

8 MS. MITCHELL: Objection.

9 You can answer.

10 A. As the person, whoever's video this
11 is, walks up ... I don't know what happened
12 prior to that, but from the moment that
13 that video camera comes up to that
14 individual, I did not hear any warnings.

15 Q. We watched another video before
16 this that was... video that showed the
17 arrest from a different angle, correct?

18 A. Correct.

19 Q. In that video did you hear any
20 warnings about blocking the doorway prior
21 to the arrest?

22 A. I did not hear that, no.

23 Q. That video showed a bit longer of
24 the moments before the arrest, correct?

25 MS. MITCHELL: Objection.

1 A. RAGANELLA

2 You can answer.

3 A. From farther away and a different
4 angle, yes.

5 Q. Would it be consistent with
6 Disorder Control training to arrest
7 somebody in front of a doorway without
8 giving them a warning?

9 A. That could potentially happen, yes.

10 Q. When would that happen?

11 A. When there's an offense that's
12 committed in front of an officer and he has
13 probable cause to make an arrest, there's
14 no requirement that he has to be given a
15 warning first.

16 Q. If someone's standing in front of a
17 doorway, would somebody have to be blocked
18 from entering or exiting before that could
19 occur, before an arrest could happen with
20 probable cause?

21 A. That would most likely taken into
22 consideration to establish probable cause,
23 sure.

24 Q. Can they establish probable cause
25 for blocking a doorway if nobody is trying

1 A. RAGANELLA

2 to enter or exit that doorway?

3 A. If they're being charged with
4 disorderly conduct, and again, I'm not an
5 attorney, but I think the way the statute
6 reads is that you have to intentionally or
7 recklessly create a risk thereof. By
8 standing in front of a doorway, even though
9 somebody wasn't in actuality blocked, they
10 created a risk thereof. That may establish
11 probable cause.

12 Q. Okay. Outside of that, we've
13 already ... Withdrawn. If this individual
14 is arrested for blocking pedestrian
15 traffic, do you see a reason why he was
16 chosen for that arrest as opposed to
17 anybody else on the sidewalk?

18 MS. MITCHELL: Objection.

19 You can answer.

20 A. Well, there were multiple people
21 there from what I gathered from what I saw,
22 and the way that we train when we make
23 arrests in situations such as this, we
24 handle one arrest at a time. We're not
25 arresting multiple people all at the same

1 A. RAGANELLA

2 time when they're fluid in motion, if that
3 helps you.

4 Q. That does not.

5 A. Okay. I'm sorry.

6 Q. I'm asking if you can identify a
7 blocking pedestrian traffic charge here, a
8 probable cause for that arrest in this
9 instance.

10 MS. MITCHELL: Objection.

11 You can answer.

12 A. For me to establish probable cause,
13 me personally as an officer to establish
14 probable cause, I have to be able to take
15 into consideration facts and circumstances
16 that are known to me. I don't have that
17 from the clip of the video that you're
18 showing me. I don't know what happened
19 prior to that. I don't know if he was given
20 a warning. I don't know if there were
21 multiple people trying to get out of that
22 doorway, and when they saw the police
23 coming they turned around and went the
24 other way and now we don't see them in that
25 video clip ... I can't tell you that I have

1 A. RAGANELLA

2 probable cause.

3 Q. I'm asking about blocking
4 pedestrian traffic [crosstalk]...the
5 doorway, that was the question.

6 A. Okay, okay.

7 Q. I'm asking if in either of these
8 videos you can see probable cause to arrest
9 this individual for blocking pedestrian
10 traffic?

11 MS. MITCHELL: Objection.

12 You can answer.

13 A. That's possible.

14 Q. How is it possible?

15 A. Because it appeared to me that
16 there were multiple people on the sidewalk
17 and it didn't look to me as if uninvolved
18 passersby would be able to walk down that
19 sidewalk without stepping out into the
20 street and around the group that was on the
21 sidewalk.

22 Q. The reason to arrest this
23 individual, who's deep into the sidewalk
24 towards the building, for that, would be to
25 intimidate and put fear into the rest of

1 A. RAGANELLA

2 the protestors, correct?

3 MS. MITCHELL: Objection.

4 You can answer.

5 A. Those are your words, not mine. I
6 don't know what was in the officer's mind
7 that made the arrest or the supervisor who
8 may or may not have directed that.

9 Q. You trained in at least two
10 separate locations in Disorder Control
11 about the psychological impact of having a
12 large group of officers show up, about
13 wearing the military type of uniform and
14 equipment, so isn't it true that the
15 psychological impact is what we're seeing
16 here? That someone's being arrested deep on
17 the sidewalk because it impacts the rest of
18 the protestors.

19 MS. MITCHELL: Objection.

20 You can answer.

21 A. No.

22 Q. That's not possible that that's
23 what's going on here?

24 A. That's not, no, I'm not ... What
25 I'm saying is that's not what we train for.

1 A. RAGANELLA

2 Q. You do train about the
3 psychological impact of the police force
4 around groups, correct?

5 A. Riotous and civil disturbance, yes.
6 Not lawful demonstrations and protests.

7 Q. Was this riotous, this instance?

8 A. As far as I'm concerned, no.

9 Q. Therefore, the police shouldn't be
10 treating it as such, correct?

11 A. The police what?

12 Q. Should not be treating it as a
13 riotous situation, correct?

14 MS. MITCHELL: Objection.

15 You can answer.

16 A. Correct.

17 Q. These people are involved in
18 expressive speech activity protected by the
19 First Amendment, correct?

20 MS. MITCHELL: Objection.

21 A. Up to the point that they commit
22 and offense, yes.

23 Q. The offense of being on the
24 sidewalk is sufficient for them to be
25 arrested in this instance?

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2 MS. MITCHELL: Objection.

3 You can answer.

4 A. If I had all the facts and
5 circumstances, what's happened prior to the
6 arrest, it's very well possible.

7 Q. Marking that as 28. I'm going to
8 ask you to look at this and tell me if
9 you've seen it before. This is a document
10 that's previously been Bates stamped
11 D19452. Do you recognize this document?

12 A. Just give me one minute to review.
13 Yes.

14 Q. Okay. What is this document?

15 A. This is an email communication
16 between myself and a lieutenant who worked
17 in the chief of the department's office.

18 Q. What is it about?

19 A. It's in regard to the ratio of
20 police officers to arrestees.

21 Q. This concerns arresting officers or
22 processing officers, what does it concern?

23 A. Both.

24 Q. Why don't you explain the
25 distinction?

1 A. RAGANELLA

2 A. When we train the task forces on
3 massive arrest techniques, meaning we have
4 protestors who want to be arrested during
5 civil disobedience, we trained at that time
6 that in a slow-paced incident where there
7 wasn't a rush, or a public safety issue and
8 the protestors may have been passively
9 resisting or just passive, we would assign
10 one officer to take up to five arrests so
11 that we could maximize our resources and
12 not lose one officer for every single
13 person arrested is what we train for. In
14 this particular email it seems that there
15 was an issue of multiple officers taking
16 single arrests and that's what was being
17 conveyed to me.

18 Q. What was the department response to
19 this email?

20 A. Well, my response was that I would
21 remind the patrol borough task force COs
22 that during a mass arrest situation to
23 remind them about the standard or the
24 guideline that we have, the recommendation
25 of one AO, meaning arresting officer, for

1 A. RAGANELLA

2 every five arrestees.

3 Q. That would be the same arresting
4 officer identified in all of the arrest
5 paperwork, correct?

6 A. I'm not clear on what you're
7 asking.

8 Q. You're saying that it is the
9 training that for every arresting officer,
10 they should have at least five arrestees,
11 correct?

12 A. Not at least. A maximum of five.

13 Q. Okay, but when they have less, here
14 it talks about possibly having just two,
15 that was a problem, a sufficient enough
16 problem, to cause emails back and forth
17 between you and the chief of the
18 department's office, correct?

19 A. Correct.

20 Q. The idea is to maximize and hit
21 five, correct?

22 A. I'm sorry?

23 Q. To maximize and make sure that
24 every arresting officer has five arrestees.

25 A. If it's a mass arrest situation,

1 A. RAGANELLA

2 yes.

3 Q. That arresting officer will be
4 listed as the arresting officer for all
5 five of those arrestees' paperwork.

6 A. Correct.

7 Q. Even though they are likely not the
8 person who physically arrested that
9 individual, correct?

10 A. Well --

11 Q. The arresting officer is not
12 necessarily the person who physically takes
13 a person and puts the cuffs on, correct?

14 A. That's possible. If the arrest is
15 assigned to somebody. In other words, an
16 officer could observe the offense and
17 establish the probable cause and another
18 officer could be assigned the arrest, the
19 processing.

20 Q. That's the way that you train,
21 correct?

22 A. That's a possibility. It doesn't
23 necessarily have to go that way.

24 Q. If the arresting officer does not
25 observe the arrest, that's a problem,

1 A. RAGANELLA

2 correct?

3 MS. MITCHELL: Objection.

4 You can answer.

5 A. If somebody is arrested without
6 probable cause, that's an issue.

7 Q. I'm not saying that. I'm saying if
8 the arresting officer, the person who was
9 assigned the arrest, does not actually
10 observe the arrest, that's a problem, isn't
11 it?

12 A. No, it's not.

13 Q. Why is that not a problem?

14 A. Because if an officer is assigned
15 an arrest, he can establish probable cause
16 through another officer that relays the
17 information to him.

18 Q. Now the arresting officer in that
19 situation has no firsthand knowledge of the
20 actual conduct that caused the arrest,
21 correct?

22 A. The arresting officer or the
23 assigned officer?

24 Q. The assigned officer is now the
25 arresting officer, correct?

1 A. RAGANELLA

2 A. No. We make the distinction between
3 an arresting officer and an assigned
4 officer and it stays that way throughout
5 the process.

6 Q. In the police paperwork it'll list
7 both?

8 A. It should.

9 Q. Okay. Have you ever reviewed police
10 paperwork to see if it does list both?

11 A. On occasion, yes.

12 Q. Okay. Would it be inconsistent with
13 the training if it doesn't list both?

14 A. Yes.

15 Q. That would be a problem because
16 then you don't know who has firsthand
17 knowledge of the actual arrest, correct?

18 A. Correct.

19 Q. In mass arrest situations it
20 becomes more difficult to keep that
21 straight, correct?

22 A. Yes.

23 Q. You provide training in order to
24 help the police keep that straight because
25 it's important, correct?

1 A. RAGANELLA

2 A. Yes, sir.

3 Q. In response to this email, was
4 training modified in any fashion?

5 A. Training lesson plans were not
6 modified in any way other than myself
7 putting the word out to the patrol borough
8 task force COs regarding the issue.
9 However, in this particular email I don't
10 know that the concern from the chief of
11 department's office concerned a mass arrest
12 situation or a situation such as the video
13 that we just watched, which is not
14 considered a mass arrest situation. Because
15 in that particular instance, such as what
16 we saw on the video, I have no issue with
17 one officer taking one arrest.

18 Q. In which instance are we talking
19 about?

20 A. The last video that we watched on
21 the sidewalk.

22 MR. STECKLOW: All right.
23 I'm going to take a five-minute
24 break.

25 The time is now 4:26 and

1 A. RAGANELLA

2 we're taking a five-minute break.

3 (Whereupon, a short recess
4 was taken.)

5 (Back on the record.)

6 MR. STECKLOW: The time is
7 now, 4:34 and we're back on the
8 record. I am going to mark the
9 next document ...

10 MS. MITCHELL: I think
11 29.

12 MR. STECKLOW: 29.

13 (Document marked Exhibit
14 29 for identification as of
15 this date by the reporter.)

16 MS. MITCHELL: 28 was the
17 email.

18 MR. STECKLOW: Okay. 29.

19 There we go. Thank you.

20 A. (Witness perusing document.)

21 Q. Okay. Do you recognize this
22 document?

23 A. Yes.

24 Q. It has your name on it, does it
25 not?

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2 A. It does.

3 Q. In the very beginning of this
4 document, in number one, can you read that
5 out loud?

6 A. I'm sorry? Say --

7 Q. Can you read number one?

8 A. Paragraph one?

9 Q. The first sentence out loud.

10 A. "Consistent with OG 101-04, the
11 Disorder Control Unit is tasked with
12 conducting tactical reviews and assessing
13 department strategies at major events."

14 Q. Okay, so is that accurate?

15 A. According to the Organizational
16 Guide 101-04, yes.

17 Q. That is one of the responsibilities
18 of Disorder Control, correct?

19 A. Correct.

20 Q. "Tactical reviews and assessing
21 strategies at major events", does that
22 include how police ... Withdrawn.

23 Does that include reviewing police
24 conduct at sidewalk protests?

25 A. It could.

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2 Q. Does that include reviewing how the
3 police acted at sidewalk protests and
4 whether or not their conduct was
5 constitutionally compliant?

6 A. I guess, potentially, we could be
7 asked our recommendations on it or if it
8 could be something if it was some type of a
9 misconduct incident to be investigated by
10 internal affairs, there's different
11 situations.

12 Q. Okay. That document that you're
13 reviewing, it was critical of the police
14 response on 11-15-11, correct?

15 MS. MITCHELL: Objection.
16 You can answer.

17 A. Repeat the question?

18 Q. The document you're reviewing...

19 A. Yeah.

20 Q. ... found imperfections with the
21 police conduct on November 15th, 2011
22 during the eviction of Occupy Wall Street
23 from Zuccotti Park.

24 MS. MITCHELL: Objection.
25 You can answer.

1 A. RAGANELLA

2 A. Can I have a moment to review this?

3 Q. You can. I think while you're doing
4 that I'm going search for another video
5 that occurred during the police response to
6 Zuccotti Park on November 15th, 2011?

7 MS. MITCHELL: Objection.

8 You can answer.

9 A. It makes recommendations on how to
10 do things better, yes.

11 Q. Because that was part of what you
12 were tasked with as head of Disorder
13 Control, correct?

14 A. That's correct.

15 Q. That comes out of OG 101-04?

16 A. Correct.

17 Q. Based on this document, were any
18 changes or adjustments or revisions given
19 to members of the service in the field?

20 A. This was a review and
21 recommendation that was sent up my chain of
22 command to the commanding officer of the
23 special operations division. I do not know
24 what he did with it after that.

25 Q. Did you make any changes to your

1 A. RAGANELLA

2 training at Disorder Control as a result of
3 the facts described within this document?

4 A. No.

5 Q. Did you submit any other critical
6 reviews of police conduct during Occupy
7 Wall Street?

8 MS. MITCHELL: Objection.

9 You can answer.

10 A. Other than what we discussed?

11 Q. Yes.

12 A. Not that I'm aware of.

13 Q. Okay. Did you receive any
14 directives from supervisors to modify or
15 change the Disorder Control training
16 program in response to Occupy Wall Street
17 events?

18 A. Not that I recall, no.

19 Q. Did you direct any members of
20 Disorder Control to look for deficiencies
21 in training while they were being
22 conducted?

23 A. Always.

24 Q. Did this relate specifically to
25 First Amendment training?

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2 MS. MITCHELL: Objection.

3 You can answer.

4 A. I don't understand the question.

5 Q. I asked if you had any of your
6 members look for deficiencies in training,
7 you said always. I asked if it was in
8 relation to First Amendment training.

9 A. All training.

10 Q. Okay, so what specific deficiencies
11 were reported to you concerning First
12 Amendment training at Disorder Control?

13 A. None that I recall.

14 Q. Did you ever hear from anybody
15 about a deficiency in sidewalk protest
16 training at Disorder Control?

17 MS. MITCHELL: Objection.

18 You can answer.

19 A. Not that I recall.

20 (Document marked Exhibit
21 30 for identification as of
22 this date by the reporter.)

23 Q. I'm going to mark as 30, this
24 document. Previously Bates stamped as 5389.
25 I ask you to look at it and let me know

1 A. RAGANELLA

2 after you've had a chance to do so. Have
3 you seen this document before?

4 A. Yes.

5 Q. It's an email that you had with
6 somebody?

7 A. Correct.

8 Q. Is that a person who used to be on
9 the job with you?

10 A. Yes, sir. It was one of my
11 lieutenants who had retired.

12 Q. All right. This is in regard to
13 feedback on Disorder Control training?

14 A. No, it was regard to a checklist
15 that I had created for the department.

16 Q. Was it a checklist that was
17 relevant to Occupy Wall Street protests?

18 A. Relevant to all situations where
19 there's a critical incident.

20 Q. What do you mean by "critical
21 incident"?

22 A. Anytime where there's any type of
23 emergency incident, critical incident, mass
24 demonstration, there's a lot of things that
25 are under the umbrella of what this

1 A. RAGANELLA

2 checklist would cover.

3 Q. The checklist covered mass
4 demonstration?

5 A. If it was determined to be a
6 critical incident or some type of an
7 emergency incident, yes.

8 Q. What would make a mass
9 demonstration a critical incident?

10 A. If it became a civil disturbance or
11 riotous.

12 Q. A mass demonstration by itself
13 would not be relevant to the checklist?

14 A. Probably not. I would have to
15 actually look at the checklist to refresh
16 my recollection on it.

17 Q. Okay. Do you see about halfway down
18 in the email to you, this individual says
19 ... It starts with the word "stress", do
20 you see that?

21 A. Yes.

22 Q. Can you read that sentence?

23 A. "Stress psychological impact of
24 officers marching to location rather than
25 coming in as loose group."

1 A. RAGANELLA

2 Q. What do you think he meant by that?

3 A. Exactly what we were discussing
4 prior about the psychological advantages of
5 us acting as a force multiplier when we
6 march in a military fashion during a civil
7 disturbance or a riot.

8 Q. But you don't believe the police
9 should be doing that for demonstrations or
10 protests that are not riotous, correct?

11 A. I do believe that they should be
12 doing that when we ... In other words, when
13 we ... The whole concept behind the patrol
14 borough task forces is that they're a team
15 and they act as a team, a disciplined team.
16 Which is the whole reason why the armed
17 services uses lines and formations, it's to
18 efficiently move a group of individuals or
19 officers from one location to another in a
20 professional and a disciplined manner. It
21 doesn't necessarily imply that they're
22 trying to be imposing or militaristic to
23 impose their will on somebody. It's a
24 matter of efficiency at that point.

25 Q. But there is a psychological impact

1 A. RAGANELLA

2 that comes with that, correct?

3 MS. MITCHELL: Objection.

4 A. There certainly could be.

5 Q. Previously we looked at a document
6 that previously marked as 13942, which was
7 the unusual incident report around the
8 January 1st incident, and we watched a
9 little video. Do you recall seeing that
10 document?

11 A. Yes.

12 Q. Okay. You had testified that you
13 hadn't seen that document before, correct?

14 A. I don't recall if that's what I
15 said.

16 Q. This isn't a trick...

17 A. [crosstalk] if that's what I ... I
18 didn't think that you were trying to trick
19 me, I just really don't recall that.

20 (Document marked Exhibit
21 31 for identification as of
22 this date by the reporter.)

23 Q. Okay. I'm now going to show you
24 what's been marked as 31 --

25 A. Thank you for not trying to trick

1 A. RAGANELLA

2 me.

3 (Document marked Exhibit
4 32 and 33 for identification as
5 of this date by the reporter.)

6 Q. 32 and 33.

7 A. (Witness perusing document.)

8 Q. These are three other unusual
9 incident reports arising out of Occupy Wall
10 Street. I'd ask you to look at them and let
11 me know if you've ever seen them before.
12 I'll tell you that. 31 is related to 11-17-
13 11.

14 A. This one wasn't marked. I don't
15 know if you marked the other ones or not.

16 Q. 30, 31 is 11-17-11, 32 is related
17 to 10-1-11, and 33 is related to 03-17-12.
18 I'd ask you to look at those and let me
19 know if you've ever seen any of these
20 before.

21 A. (Witness perusing document.)

22 Q. Let me see if I can get your
23 counsel a copy.

24 MS. MITCHELL: 11-17 of
25 what year?

1 A. RAGANELLA

2 MR. STECKLOW: 2011.

3 MS. MITCHELL: Thank you.

4 A. (Witness perusing document.)

5 Q. Okay. Have you ever seen these
6 documents before?

7 A. Not that I recall seeing them, no.

8 Q. Okay, so even though OG 101-04
9 tasked Disorder Control with conducting
10 tactical reviews and assessing department
11 strategies at major events, when there was
12 an unusual incident report written about a
13 major event that occurred at Occupy Wall
14 Street, those were not shared with Disorder
15 Control. Is that correct?

16 A. In these particular incidents, no.

17 Q. As well as the incidents we went
18 over that, the January 1 incidents,
19 correct?

20 A. Correct.

21 Q. At least in these four, the unusual
22 incident reports were not shared with
23 Disorder Control.

24 A. Correct.

25 Q. Disorder Control could not do a

1 A. RAGANELLA

2 review or overview or oversight of the
3 tactics and department strategies at these
4 events, correct?

5 A. Correct.

6 Q. Are you familiar with the term
7 "legal bureau bulletin"?

8 A. Yes.

9 Q. Okay. What is a legal bureau
10 bulletin?

11 A. A legal bureau bulletin is a
12 document that is produced by our legal
13 bureau in the police department which
14 informs officers in the department as to
15 legal implications of their job performance
16 based on some type of a legal issue or a
17 court case.

18 Q. Are these required readings for all
19 the members of the service? Are they
20 considered part of the training? What is
21 their role within the NYPD?

22 A. They're available on the department
23 intranet for officers to read, and then
24 some of them are also incorporated into
25 what we discussed earlier with the command

1 A. RAGANELLA

2 level training, where the training
3 sergeants in the commands would actually
4 instruct officers at roll call about them.

5 Q. How is that reviewed? how is that
6 known to actually occur?

7 A. I'm not clear on what you're
8 asking.

9 Q. how do you know that these legal
10 bureau bulletins are actually being read,
11 being trained upon?

12 MS. MITCHELL: Objection.

13 You can answer, if you
14 know.

15 A. Training sergeants in particular
16 commands or units, when they do require
17 training such as command level training
18 they will keep some type of a log or a
19 record of the officers that were trained
20 and what the topic was that they were
21 trained on.

22 Q. That's at the command level.

23 A. Correct.

24 Q. I'm going to show you what's now
25 been marked as 34 and ask if you've ever

1 A. RAGANELLA

2 seen this item before.

3 A. Yes.

4 (Document marked Exhibit
5 34 and 35 for identification as
6 of this date by the reporter.)

7 Q. I believe during your prior
8 deposition in the case matter you were
9 shown this document as well as what's been
10 marked as 35 and you testified that in fact
11 between 1971, which is document 34, and
12 2017, which is 35, there was no additional
13 legal bureau bulletin updating disorderly
14 conduct standards. Is that correct?

15 A. I believe that's what I testified
16 to.

17 Q. Do you still believe that to be
18 true?

19 A. To the best of my knowledge, yes.

20 Q. Do you know if the standards for
21 disorderly conduct changed at all between
22 1971 and 2017?

23 A. I don't understand what you mean by
24 "standards".

25 Q. There are standards and elements to

1 A. RAGANELLA

2 each crime that are part of the New York
3 State penal law, correct?

4 A. Okay.

5 Q. Yes?

6 A. Yes.

7 Q. The NYPD is tasked with enforcing
8 those penal laws, correct?

9 A. Yes.

10 Q. They need to understand not just
11 the words that the statutes are written
12 with but what their standards are, how
13 they're interpreted. Correct?

14 A. Correct.

15 Q. Okay, so that's what I mean. I'm
16 asking you if between 1971 and 2017 did the
17 standard for disorderly conduct in New York
18 change?

19 MS. MITCHELL: Objection.

20 You can answer, if you
21 know.

22 A. I don't know.

23 Q. You've seen the 2007 Jones
24 bulletin, correct?

25 A. Correct.

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2 Q. That was because in 2007 there was
3 a New York State Court of Appeals case,
4 People v. Jones, that interpreted the
5 disorderly conduct statute in a way that
6 somebody at the NYPD felt was important
7 enough to disseminate to the rest of the
8 members of the service, correct?

9 MS. MITCHELL: Objection.
10 You can answer.

11 A. Potentially, yes.

12 Q. Did that case, the Jones case,
13 change the standards for disorderly conduct
14 in New York?

15 MS. MITCHELL: Objection.
16 You can answer, if you
17 know.

18 A. I do not know.

19 Q. Did the Disorder Control Unit
20 change its training in any fashion because
21 of the Jones case that came down in 2007?

22 A. It did not.

23 Q. Did the Disorder Control Unit
24 change ... Withdrawn. Does the NYPD
25 understand that members of the service at

1 A. RAGANELLA

2 some point will be called on to police
3 sidewalk protests?

4 A. Repeat that.

5 Q. This is again, now we're clearly in
6 the 30 (B)(6) area, does the NYPD know that
7 the members of the service at some point
8 would be called upon to police sidewalk
9 protests?

10 MS. MITCHELL: Objection.

11 You can answer.

12 A. Potentially.

13 Q. They're not sure if anyone will
14 ever have to police sidewalk protests?

15 A. What I meant was potentially some
16 officers may be required to do that, not
17 all officers.

18 Q. We can agree that some officers
19 will absolutely be required to do that at
20 some point, correct?

21 A. 100 percent.

22 Q. That some of those members of
23 service will actually arrest individuals
24 participating in sidewalk protests at some
25 point, correct?

1 A. RAGANELLA

2 A. Yes.

3 Q. That an arrest for disorderly
4 conduct where the sidewalk protestor's
5 conduct does not create the level of public
6 inconvenience required to create probable
7 cause would cause a constitutional
8 violation, correct?

9 MS. MITCHELL: Objection.
10 You can answer.

11 A. I'm not an attorney so I wouldn't
12 know.

13 Q. You understand ... You train on the
14 constitution, correct?

15 A. Correct.

16 Q. More than just the words and the
17 history of it, which is a large part of the
18 training, correct?

19 A. Yes.

20 Q. You, as the former commanding
21 officer of Disorder Control training, would
22 have an understanding of the constitutional
23 protections around sidewalk protests. Isn't
24 that correct?

25 A. Sure.

1 A. RAGANELLA

2 Q. Okay, so with that understanding
3 don't the members of the service need to
4 understand the level of public
5 inconvenience required to create probably
6 cause in order to avoid constitutional
7 violations in arrest situations?

8 MS. MITCHELL: Objection.

9 You can answer.

10 A. I believe that they do.

11 Q. You believe they do understand
12 that?

13 A. Yes.

14 Q. Although you previously testified
15 that it cannot be trained?

16 MS. MITCHELL: Objection.

17 You can answer.

18 A. Correct.

19 Q. But you believe the members of the
20 service have that knowledge.

21 A. I believe that the members of the
22 service have the knowledge to understand
23 what probable cause is and how that can
24 impact demonstrations and protests, yes.

25 Q. You believe that Disorder Control

1 A. RAGANELLA

2 trains that.

3 A. Yes. It's discussed.

4 Q. Does Disorder Control do sergeant
5 leadership courses? Is that part of what
6 you're tasked with?

7 A. Yes, but not in the realm of the
8 topic of leadership. During the time that a
9 sergeant, lieutenant, or captain is
10 promoted, and they are in training with the
11 police academy leadership section, the
12 Disorder Control Unit will come in and do
13 training with them.

14 Q. Were any training materials at
15 Disorder Control updated due to a third-
16 party's complaint to the city of New York
17 or the NYPD concerning the conduct of
18 police officers at any sidewalk protest
19 held in New York City during the relevant
20 time period?

21 MS. MITCHELL: Objection.

22 You can answer.

23 A. Not that I'm aware of.

24 Q. During the relevant ... Withdrawn.

25 During the class periods now, which

1 A. RAGANELLA

2 was September 15 to 17, 2012, did the city
3 of New York and the NYPD, in connection
4 with any Occupy protest, designate any
5 specific area as a place where sidewalk
6 protestors could go to exercise their First
7 Amendment rights?

8 MS. MITCHELL: Objection.

9 You can answer, if you
10 know.

11 A. I don't know.

12 Q. During the class period, deemed
13 September 15 to 17, 2012, did the city of
14 New York and the NYPD, in connection with
15 any Occupy protest, provide pre-written
16 disbursal orders to members of the service?

17 A. Repeat that question again.

18 Q. During the class period...

19 A. Right. Sorry.

20 Q. ... did the city of New York and
21 the NYPD, in connection with any Occupy
22 protest, provide pre-written disbursal
23 orders to the members of the service?

24 A. Yes.

25 Q. We would make a request for the

1 A. RAGANELLA

2 production of that. We've made that request
3 and we've been told they don't exist.

4 MS. MITCHELL: I believe
5 the response is that we've
6 provided you with everything we
7 have in our custody at Control.
8 If you'd like to make further
9 inquiries with this witness I
10 would invite you to do that.

11 MR. STECKLOW: Well, the
12 witness just testified that
13 they exist.

14 MS. MITCHELL: I don't
15 believe that's what he said,
16 but --

17 Q. Do you know they were distributed?

18 A. The pre-written arrest warnings?

19 Q. Yes.

20 A. They could distributed by an
21 incident commander at the scene of an event
22 prior to deploying the officers. Or there
23 have been times where the Disorder Control
24 Unit has disseminated arrest warnings at
25 mobilization exercises to the task force

1 A. RAGANELLA

2 supervisors.

3 Q. How would those warnings be given
4 to the supervisors or the incident
5 commanders for them to distribute?

6 A. Not clear on what you're asking.

7 Q. Well, you're saying that it's
8 possible that these incident commanders or
9 the supervisor would distribute them,
10 they've got to get them somewhere. Are they
11 emailed to them? Do they come through a...
12 Is there some way that they obtain the
13 warnings and then say to Joe, "Go make 50
14 copies of these? I got roll call coming up.
15 I've got to distribute."

16 How would that occur?

17 A. Speaking on behalf of the Disorder
18 Control Unit, we would hit the print button
19 and make however many copies that we
20 needed.

21 MR. STECKLOW: I would
22 again ask the city to talk to
23 Disorder Control about finding
24 the warnings at least that are
25 in their possession.

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2 MS. MITCHELL: Again.
3 Defendant has produced to
4 plaintiffs everything in
5 custody of Control regarding
6 dispersal orders that is in
7 possession of the Disorder
8 Control Unit which is no
9 documents.

10 MR. STECKLOW: No
11 documents.

12 MS. MITCHELL: No
13 documents.

14 Q. Hearing your attorney say that
15 there are no documents that satisfy this,
16 is it still your testimony that you would
17 push the print button and these documents
18 could exist?

19 A. Print button on the copy machine,
20 yes.

21 Q. How would you get the piece of
22 paper that you were copying?

23 A. It could've been preexisting there
24 prior to me coming to the Disorder Control
25 Unit where it was a piece of paper on a

1 A. RAGANELLA

2 shelf that we continually make copies of.

3 Q. Okay, so where is that piece of
4 paper today?

5 A. I don't know.

6 Q. Did you look for it?

7 A. Perhaps. I don't recall looking for
8 it.

9 Q. I think we're at an impasse here,
10 but I think that it definitely seems like
11 there are documents that may have existed
12 at some point. I understand the City
13 doesn't have it in their possession at this
14 point, but the witness has testified to
15 their existence and I can't really go in
16 circles on it anymore.

17 MS. MITCHELL: If you want
18 to go off the record for a
19 moment?

20 MR. STECKLOW: Sure.

21 (Whereupon, a short recess
22 was taken.)

23 (Back on the record.)

24 MR. STECKLOW: Back on the
25 record.

1 A. RAGANELLA

2 BY MR. STECKLOW:

3 Q. Any mobile exercise in 20,000 ...
4 Withdrawn.

5 Did any MobEx in 2011 or 2012
6 include instructions that the mere
7 inconveniencing of pedestrian traffic by
8 protestors during a sidewalk protest does
9 not constitute probable cause for DisCon
10 arrest?

11 MS. MITCHELL: Objection.
12 You can answer.

13 A. I don't know.

14 Q. Did you conduct any in-service
15 trainings outside of disorder control?

16 A. I'm not clear on what you're
17 asking.

18 Q. Is disorder control considered in-
19 service training?

20 A. We do in-service training. We also
21 train the recruits in the academy, which is
22 not considered in-service.

23 Q. So, in the relevant time period,
24 was there any in-service training, in
25 addition to the question I previously asked

1 A. RAGANELLA

2 about disorder control training, that the
3 mere inconvenience of pedestrian traffic by
4 sidewalk protestors does not constitute
5 probable cause for a disorderly conduct
6 arrest?

7 MS. MITCHELL: Objection.

8 You can answer.

9 A. I don't know.

10 Q. Did MobEx in 2011 or 2012 include
11 instruction that dispersal orders should
12 include an alternative avenue for
13 communication to non-violent, non-riotous
14 sidewalk protestors?

15 A. I don't know.

16 Q. Is there anything that you could do
17 to refresh your recollection?

18 A. Not that I'm aware of.

19 Q. You were, again, in charge of all
20 the training at disorder control at that
21 time, correct?

22 A. Correct.

23 Q. If that existed, you would, in
24 fact, know about it, correct?

25 A. Most likely, yes.

1 A. RAGANELLA

2 Q. Did mobile exercises in 2011 or
3 2012 include instructions that an
4 alternative avenue of communication should
5 be provided to non-violent, non-riotous
6 sidewalk protestors who are subject to a
7 dispersal order?

8 MS. MITCHELL: Objection.
9 You can answer.

10 A. That could have been incorporated
11 in training. I don't know.

12 Q. Have you seen it incorporated in
13 any training?

14 A. Not that I'm aware of, no.

15 Q. Did the large-scale level two
16 mobilization exercise on August 12, 2011,
17 include any training on the first amendment
18 requirements for policing a sidewalk
19 protest?

20 MS. MITCHELL: Objection.
21 You can answer.

22 A. I don't know.

23 Q. Did you conduct that large-scale
24 training?

25 A. Yes.

1 A. RAGANELLA

2 Q. Did you observe any of the training
3 include training on any first amendment
4 requirements for police in a sidewalk
5 protest?

6 A. No.

7 Q. Did you instruct officers to
8 conduct training at that large-scale level
9 two mobilization exercise on August 12,
10 2011, to include training on any first
11 amendment requirements for police at a
12 sidewalk protest?

13 A. Specifically related to sidewalk
14 protests, no, but, yes, they were
15 instructed to go over constitutional rights
16 of protestors, of first amendment
17 assemblages.

18 Q. During the large-scale protest on
19 August ... I'm sorry, during the large-
20 scale level two mobilization on August 12,
21 2011?

22 A. Correct.

23 Q. What were they instructed?

24 A. Part of that lesson plan on
25 legalities at demonstrations.

1 A. RAGANELLA

2 Q. So, what was it that they were
3 instructed that was a part of that lesson
4 plan?

5 A. I don't know.

6 Q. How much of that lesson plan was
7 included at the level two mobilization
8 exercise on August 12, 2011?

9 A. I do not know.

10 Q. Is there anything you could use to
11 refresh your recollection?

12 A. No, sir.

13 Q. I'm asking these questions as part
14 of your 30(b)(6) testimony so, when you're
15 saying you don't know, you're saying the
16 city of New York does not know?

17 A. That's correct.

18 Q. Okay. Was the MobEx training
19 conducted in anticipation of the one-year
20 anniversary of Occupy Wall Street designed
21 to include encirclement maneuvers?

22 A. Yes, that is a technique that we
23 practiced.

24 Q. Was the MobEx training conducted in
25 anticipation of the one-year anniversary of

1 A. RAGANELLA

2 Occupy Wall Street designed to include
3 lines, wedges, and other disorder control
4 formations?

5 A. Yes.

6 Q. Was the MobEx training conducted in
7 anticipation of the Occupy Wall Street one-
8 year anniversary protest designed to
9 include the use of protective shields?

10 A. Yes.

11 Q. Was it also designed to include the
12 use and deployment of protective millennium
13 masks?

14 A. Yes.

15 Q. What is a millennium mask?

16 A. A millennium mask is a piece of
17 personal protective equipment that an
18 officer would use to cover his face to
19 protect his respiratory system from any
20 toxic substances or chemicals.

21 Q. During Occupy Wall Street, 2011 to
22 2012, was there a time when they released
23 chemical material that would affect
24 somebody's respiratory system?

25 MS. MITCHELL: Objection.

1 A. RAGANELLA

2 You can answer.

3 A. Yes.

4 Q. When was that?

5 A. I don't recall.

6 Q. Where was that?

7 A. Multiple places. There was pepper
8 spray that was used.

9 Q. By the protestors or by the police?

10 A. Both.

11 Q. So, removing the police from the
12 equation, so we sure know the police used
13 pepper spray at protest activity, when did
14 the Occupy Wall Street individuals use
15 pepper spray at a protest activity?

16 A. I don't recall a specific date.

17 Q. What information or document do you
18 have to support your claim that that
19 occurred?

20 A. Information from other members of
21 the service and news reports.

22 Q. What news report are you referring
23 to?

24 A. I don't know.

25 Q. Which individuals, other members of

1 A. RAGANELLA

2 the service, are you referring to?

3 A. Don't recall.

4 Q. Do you recall a location where that
5 occurred?

6 A. No, sir.

7 Q. Do you recall a date where that
8 occurred?

9 A. No, sir.

10 Q. Is there anything you could use to
11 refresh your recollection to identify this
12 alleged use of pepper spray by the Occupy
13 Wall Street individuals?

14 A. Perhaps searching the internet for
15 news stories or surveying members of the
16 department that may have, in fact, been
17 there when it happened.

18 Q. Mm-hmm (affirmative). Were you ever
19 present when the police deployed pepper
20 spray at an Occupy Wall Street protest?

21 A. Not that I recall.

22 Q. Was the MobEx training ...

23 A. Withdrawn.

24 I was at it, the eviction of the
25 park in November. To my understanding, that

1 A. RAGANELLA

2 it was used. I didn't personally witness
3 it, but I was there at the incident.

4 Q. And you're saying that it was used
5 by the police on the protestors?

6 A. Correct.

7 Q. Was the MobEx training conducted in
8 anticipation of the one-year anniversary of
9 Occupy Wall Street designed to include
10 specific instructions on policing sidewalk
11 protests?

12 MS. MITCHELL: Objection.
13 You can answer.

14 A. Not that I'm aware of, no.

15 MR. STECKLOW: I think
16 we're on, what, 12, 24, 36? 37?

17 MS. MITCHELL: Yep.
18 Plaintiff's 35.

19 THE WITNESS: 35 or 34.
20 (Document marked Exhibit
21 36 for identification as of
22 this date by the reporter.)

23 MR. STECKLOW: Here's 36.

24 A. Yep.

25 Q. I'm showing you what's being marked

1 A. RAGANELLA

2 as 36. It appeared to be identified as
3 D5318.

4 A. (Witness perusing document.)

5 Q. Do you recognize this?

6 A. Yes.

7 Q. What do you recognize it as?

8 A. An Outlook calendar event.

9 Q. What is an Outlook calendar event
10 in relation to?

11 A. It appears to be from my Outlook
12 calendar from my department Outlook account
13 indicating that I had a meeting at the
14 Chief of Department's conference room on
15 November 4, 2011, from 2:30 to 4:30 in the
16 afternoon.

17 Q. What was that meeting concerning?

18 A. It appears to be in regard to
19 Occupy Wall Street.

20 Q. What about Occupy Wall Street?

21 A. I do not know.

22 Q. Wasn't this meeting concerning the
23 eviction of Occupy Wall Street and the
24 planning for it?

25 A. I don't know.

1 A. RAGANELLA

2 Q. Did you previously testify that the
3 only meeting you attended regarding Occupy
4 Wall Street was, in this time period, about
5 the eviction of Occupy Wall Street?

6 A. That could very well be true.

7 Q. So, is your memory different today
8 than it was at the prior deposition you had
9 with Gideon Oliver?

10 A. That very well could be, that I
11 need to be refreshed on that.

12 Q. Okay.

13 A. Because as I sit here today, I
14 don't remember that.

15 Q. Do you recall the meeting that I'm
16 referencing concerning the eviction of
17 Occupy Wall Street?

18 A. I did attend a meeting regarding
19 the eviction of Occupy Wall Street. I can't
20 sit here and tell you that this was the
21 date and time that it happened, though.

22 Q. Where was that meeting?

23 A. At the Chief of Department's
24 conference room, and there was another
25 meeting, if I recall correctly, at the

1 A. RAGANELLA

2 joint operations center at 1 Police Plaza,
3 on the second floor.

4 Q. Okay, so let's take the first one
5 that was at the Chief of Department's
6 conference room. Who else was at that
7 meeting?

8 A. I don't recall.

9 Q. Do you recall anyone else that was
10 at that meeting?

11 A. No.

12 Q. Were you alone at that meeting?

13 A. I certainly was not.

14 Q. Was the Chief of Department at that
15 meeting?

16 A. He could have been.

17 Q. Is there anything you can do to
18 refresh your recollection about who was at
19 that meeting?

20 A. No.

21 Q. How many people were at that
22 meeting?

23 A. Don't recall.

24 Q. Was somebody from the Mayor's
25 office at that meeting?

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2 A. Don't recall.

3 Q. Do you have any notes from that
4 meeting?

5 A. No, I do not.

6 Q. Do you often take notes when you're
7 at meetings such as this?

8 A. It's possible.

9 Q. Did you search for any notes you
10 might have had about this meeting?

11 A. Yes.

12 Q. What did you do to search for those
13 notes?

14 A. Looked in the file cabinet where I
15 keep my important documents.

16 Q. Did you do anything else to look
17 for those notes?

18 A. If I would have taken notes, it
19 would have been, obviously, handwritten
20 notes, and that's where they would have
21 been, so there was no need to search
22 anywhere else other than my file cabinet.

23 Q. Do you recall what occurred at the
24 meeting concerning the eviction of Occupy
25 Wall Street from Zuccotti Park?

1 A. RAGANELLA

2 A. No.

3 Q. You said there was a second meeting
4 that took place at the command center at 1
5 Police Plaza, correct?

6 A. Yes.

7 Q. Do you recall if that was before or
8 after the meeting that took place at the
9 Chief of Department's conference room?

10 A. Don't recall.

11 Q. Do you recall who attended the
12 other meeting at the 1 Police Plaza command
13 center?

14 A. The only other person I remember
15 being at the meeting at the joint
16 operations center would be my immediate
17 supervisor, Chief Weiner [phonetic].

18 Q. Do you recall him being at both
19 meetings, or just one meeting?

20 A. Just that one.

21 Q. Did you create something called the
22 Police Officers Guideline at
23 Demonstrations?

24 A. Yes.

25 Q. Okay. Did that contain any

1 A. RAGANELLA

2 instructions on the first amendment
3 requirement for policing of sidewalk
4 protests?

5 MS. MITCHELL: Objection.

6 You can answer.

7 A. Not specifically related to that,
8 no.

9 Q. Did it include any specific
10 instruction that an adequate means of
11 egress should be provided to non-violent
12 sidewalk protestors who are subject to a
13 dispersal order?

14 A. No, it did not.

15 Q. Did the Police Officer Guidelines
16 at Demonstrations provide any guideline or
17 instruction that notice of an adequate
18 means of egress should be included in a
19 dispersal order issued to non-violent
20 sidewalk protestors?

21 A. No, it did not.

22 Q. Did the Police Officers Guidelines
23 at Demonstrations provide any guideline or
24 an instruction that notice of an
25 alternative avenue of communication should

1 A. RAGANELLA

2 be included in a dispersal order issued to
3 non-violent sidewalk protestors?

4 MS. MITCHELL: Objection.

5 You can answer.

6 A. No, it did not.

7 Q. Did the Police Officer Guidelines
8 at Demonstrations provide any guideline or
9 instruction that an alternative avenue of
10 communication should be provided to non-
11 violent sidewalk protestors who are subject
12 to a dispersal order.

13 MS. MITCHELL: Objection.

14 You can answer.

15 A. No.

16 Q. I want to look back at the RNC
17 guidelines and ask you if any of these
18 specific things were included or
19 incorporated into disorder control
20 training. Let me get that packet for you.
21 All right. I'd like you to look at ...
22 Okay. Looking at page 15277. Sorry. Turn to
23 the page before that, 15276. This is titled
24 "Police Protest and Street Encounters,"
25 correct?

1 A. RAGANELLA

2 A. Yes.

3 Q. It talks about permissible
4 limitations on first amendment rights,
5 correct?

6 A. Yes.

7 Q. Okay. I'd like you to read that
8 page and the next page. Let me know if any
9 of this was specifically incorporated into
10 disorder control training.

11 A. Can you clarify what you mean by
12 incorporated into disorder control lessons?

13 Q. This is pretty specific, is it not,
14 about the standards of street protest,
15 sidewalk protest?

16 A. Yes. Yes.

17 Q. Does something this specific exist
18 at disorder control training?

19 A. We talking about this whole section
20 as a whole or pieces and parts of it?

21 Q. Let's start with the whole thing as
22 a whole.

23 A. This is not repeated verbatim in
24 our lesson plans, to my knowledge.

25 Q. Are pieces and parts of it repeated

1 A. RAGANELLA

2 in your lesson plan?

3 A. That's possible.

4 Q. As you sit here, can you tell me
5 which parts are included? Not possibly
6 included, but actually included in the
7 lesson plan?

8 A. I would have to compare what's
9 written here to our lesson plan to do that.

10 Q. So, by reading this, you're not
11 able to identify anything that's here
12 that's actually included in the disorder
13 control lesson plan?

14 A. My photographic memory fails me at
15 this particular time. I'm sorry.

16 Q. Looking at page 15278 ... Sorry,
17 that's wrong. We've already discussed that.
18 Let's go to 15279. Look at letter C.

19 A. Okay.

20 Q. Can you read that first sentence
21 out?

22 A. We're talking about C, under
23 "carrying signs or objects?"

24 Q. Yes.

25 A. First line states, "Like

1 A. RAGANELLA

2 leafleting, the carrying of signs or
3 objects at a demonstration is protected
4 first amendment activity."

5 Q. Was that taught at disorder control
6 training?

7 A. I don't recall.

8 Q. Is there anything you could look at
9 that would refresh your recollection?

10 A. I would have to look at the lesson
11 plan on legalities at demonstrations.

12 MR. STECKLOW: While I'm
13 looking for that, can you tee
14 up the S 50. Legalities of
15 demonstrations ...

16 Do you know which one I'm
17 talking about?

18 MR. STARKEY: No, sorry.

19 Q. While he's doing that, I'm going
20 to hand you what was previously marked as
21 eight, legalities at demonstrations, and
22 you let me know if you can find the issue
23 that we were just discussing, about signs,
24 carrying signs being a protected first
25 amendment right.

1 A. RAGANELLA

2 MR. STECKLOW: I'm
3 embarrassed I've only had 36. I
4 thought I was going to be
5 closer to 50 by now.

6 MS. MITCHELL: How much
7 more do you have to go?

8 MR. STECKLOW: Well, I
9 figure...

10 MS. MITCHELL: Because ...

11 MR. STECKLOW: Tell me.

12 MS. MITCHELL: If you have
13 a lot more questions, and then
14 I have a number of questions
15 that I'm planning to ask, if it
16 makes more sense to continue
17 this to another day.

18 MR. STECKLOW: I'm not
19 available tomorrow.

20 MS. MITCHELL: Okay.

21 MR. STECKLOW: I was
22 planning on stopping myself at
23 6:00, regardless of where I
24 was, and then figuring out
25 whether we needed to do another

1 A. RAGANELLA

2 day. Would you rather me stop
3 earlier than that so you have
4 some time to ask questions
5 before we figure that out?

6 MS. MITCHELL: Well, it's
7 up to you. We don't ... I don't
8 need to ...

9 MR. STECKLOW: All right,
10 so let's go through the ...

11 MS. MITCHELL: I've taken
12 notes, so I can ask questions
13 whenever.

14 MR. STECKLOW: Okay.

15 MS. MITCHELL: I just
16 wanted to ask you.

17 MR. STECKLOW: Before we
18 watch the next video ... I'm
19 just going to wait for these if
20 you had time to review the
21 document he had asked for and
22 see if he can find in there
23 something about the sign.

24 MR. STARKEY: Nope, I
25 don't see it.

1 A. RAGANELLA

2 Q. Okay, so that's not trained at
3 disorder control, correct?

4 A. Regarding the carrying of signs or
5 objects, no.

6 Q. All right. That ... It's not
7 trained that the carrying of signs is a
8 protected first amendment right, correct?

9 A. Through the disorder control unit,
10 no.

11 Q. Okay. I'm going to show you a
12 video. This happened on September 15, so
13 it's starting what we call the class period
14 for this case. I'd like you to watch the
15 video. Then, I'll ask you a couple
16 questions.

17 (Whereupon, the witness was shown a video.)

18 (Back on the record.)

19 Q. Were able to see that video?

20 A. Yes.

21 Q. Okay. Was that individual carrying
22 a sign?

23 A. Yes.

24 Q. Okay. It looked like the white
25 shirt officer pointed at the sign right

1 A. RAGANELLA

2 before the individual was arrested?

3

MS. MITCHELL: Objection.

4

You can answer.

5

A. No, it looked like he pointed at
6 the individual.

7

Q. Okay. Did you see a reason for that
8 individual to be arrested in that moment,
9 from what you could see on the video?

10

MS. MITCHELL: Objection.

11

You can answer.

12

A. Taking into consideration only what
13 I saw, I did see him stop several times
14 while he was being asked to move along, so
15 there is the possibility that that may
16 establish probable cause.

17

Q. Under what section of what law?

18

A. Law of refusing a lawful order to
19 disperse.

20

Q. What did you see on that video that
21 made you believe there was a lawful order
22 for these individuals to be dispersed
23 north?

24

A. Well, as I said, I didn't see what
25 happened prior to that, so I don't know why

1 A. RAGANELLA

2 they were being moved from that area.

3 Q. All right, because there didn't
4 seem to be anything that we could see on
5 the video, the reason they had to be forced
6 north at that point, correct?

7 MS. MITCHELL: Objection.

8 You can answer.

9 A. There was a substantial number of
10 demonstrators on the sidewalk itself that
11 appeared not to be moving. Other than that,
12 I don't ... As I said, I don't know what
13 happened prior to that, that they were
14 being moved out of that area.

15 Q. Other than safety reasons, would
16 there be a reason why police officers would
17 form a wall and stop people from processing
18 south on Broadway on September 15, 2012?

19 MS. MITCHELL: Objection.

20 You can answer.

21 A. Yes.

22 Q. What would that be?

23 A. There could have been a crime scene
24 that we were trying to stop people from
25 getting into. There could have been some

1 A. RAGANELLA

2 type of sensitive or a vulnerable location
3 there that we maybe we had potentially had
4 intelligence on that protestors,
5 demonstrators were going there to damage
6 it. I don't know.

7 Q. So, it's possible that, if there's
8 a claim of intelligence that the protestors
9 were going towards a specific object, that
10 the police could stop them and tell them
11 they now have to go north, even if there
12 has been no criminal conduct that occurred?

13 A. Well, one ... As I stated earlier
14 in my testimony, one of our core functions
15 besides protecting life is to protect
16 property.

17 Q. So, does that ... Again, if they
18 ... Withdrawn.

19 Within the training of disorder
20 control, it's appropriate to stop
21 individuals from going south if there's
22 some sort of intel that there might be
23 property damage being contemplated in that
24 direction?

25 A. Potentially.

1 A. RAGANELLA

2 Q. And that's consistent with disorder
3 control training?

4 A. I don't train on that, no.

5 Q. Yeah. Was there any other reason
6 you can come up with why these officers
7 would stop these people from going south
8 that's a lawful reason?

9 MS. MITCHELL: Objection.

10 You can answer.

11 A. Not that I can think of.

12 Q. So, it's possible that they were
13 just stopping people and forcing them north
14 because that's what they chose to do, isn't
15 that correct?

16 A. It's also possible that the
17 examples I gave were what also happened, so
18 yes, that's possible.

19 Q. Okay. Did you ... I ... Did you
20 notice which officer was supervising there
21 and pointing out the person to arrest and
22 telling people to continue walking north?

23 A. From what I saw on the video, it
24 appeared to me that the highest-ranking
25 member there was Inspector Winski. Or,

1 A. RAGANELLA

2 Deputy Inspector Winski at the time, I
3 guess.

4 Q. And he seemed to be the individual
5 that pointed out the person who was about
6 to be arrested, correct?

7 A. That's what it appeared to me.

8 Q. So, the fact that that individual
9 was carrying a sign by itself should not
10 have led to his arrest, correct?

11 MS. MITCHELL: Objection.

12 You can answer.

13 A. Based on what I saw, in and of
14 itself, the carrying of a sign that's made
15 of cardboard should not be a reason to be
16 arrested.

17 MR. STECKLOW: Okay. I'm
18 going to show you ... No, it's
19 fine. Just start there.

20 MR. STARKEY: Speaker 4:
21 Start there?

22 MR. STECKLOW: Actually,
23 that goes in the ground, right?
24 Let's get past...

25 MR. STARKEY: Well,

1 A. RAGANELLA

2 it's ...

3 MR. STECKLOW: Go a little
4 further back, a little further
5 back.

6 MR. STARKEY: Go back?

7 MR. STECKLOW: Stop right
8 there. Okay. Start it. Okay.
9 I'm going to show you another
10 video.

11 (Whereupon, the witness
12 was shown a video.)

13 (Back on the record.)

14 Q. At that point that you just saw on
15 the sidewalk, did there seem to be a
16 pedestrian blockage?

17 MS. MITCHELL: Objection.
18 You can answer.

19 Q. We stopped the video at 1:15.

20 A. You're asking me was there a
21 pedestrian ... I'm not clear on what you're
22 asking.

23 Q. I'm asking, in the video we just
24 saw, is the sidewalk open or is the
25 sidewalk being blocked?

1 A. RAGANELLA

2 MS. MITCHELL: Objection.

3 You can answer.

4 A. I'd have to see it again.

5 (Whereupon, the witness
6 was shown a video.)

7 (Back on the record.)

8 Q. Was that sidewalk being blocked or
9 is that sidewalk being open?

10 MS. MITCHELL: Objection.

11 You can answer.

12 A. It appears to me at, what I'm
13 looking at right now, that that sidewalk is
14 blocked.

15 Q. Is it being blocked by a line of
16 police officers stopping protestors?

17 MS. MITCHELL: Objection.

18 You can answer.

19 A. It appears that there's a line of
20 police officers across the sidewalk, yes.

21 Q. And are the protestors on the other
22 side seemingly seeking to walk past where
23 the police officers are?

24 A. I don't know if they ...

25 MS. MITCHELL: Objection.

1 A. RAGANELLA

2 You can answer.

3 A. Yeah. I don't know if they're
4 walking past or being redirected in a
5 different direction.

6 Q. Okay, but, in some way, the police
7 are the ones who are now involved with the
8 protestors' direction. Whatever direction
9 they want to go in, the police are now
10 making some sort of impact on that, is that
11 what you can see?

12 MS. MITCHELL: Objection.

13 You can answer.

14 A. At that particular point right
15 there that I'm looking at, that small
16 snippet of video, it appears that way, yes.

17 Q. Okay.

18 (Whereupon, the witness
19 was shown a video.)

20 (Back on the record.)

21 Q. Looking at this individual here
22 with the hat on, do you see him? Is he
23 blocking the sidewalk at this point?

24 MS. MITCHELL: Objection.

25 You can answer.

1 A. RAGANELLA

2 A. By himself?

3 Q. Was he blocking the sidewalk
4 sufficiently to be arrested for disorderly
5 conduct, violating ... Blocking pedestrian
6 traffic?

7 MS. MITCHELL: Objection.
8 You can answer.

9 A. By himself?

10 Q. I'm not sure what you mean. By
11 himself? I'm not [crosstalk]...

12 A. I'm answering the question.

13 Q. I'm asking if he's able
14 [crosstalk]... Yes, there's...

15 A. It appears to me that he's part of
16 a group that's substantially interfering
17 with pedestrian flow.

18 Q. So, you believe that he is allowed
19 ... There is probable cause for his arrest
20 for blocking the sidewalk?

21 MS. MITCHELL: Objection.
22 You can answer.

23 A. It's hard for me to answer that
24 because I wasn't there but, based on the
25 little bit of a snippet from what you are

1 A. RAGANELLA

2 telling me, if we're to accept what you're
3 saying, it appears to me that everybody on
4 that sidewalk right now is substantially
5 blocking pedestrian traffic in that still
6 frame of what I'm looking at.

7 Q. And that is because ... Why? Why do
8 you believe that they're blocking the
9 pedestrian traffic substantial impediment?

10 A. Because it appears to me that they
11 were being instructed to move and they
12 weren't moving.

13 Q. So, they didn't seem like they were
14 backing up before this happened?

15 MR. STECKLOW: Do we have
16 the other video of this arrest,
17 because this is not the right
18 one.

19 MS. MITCHELL: Oh ...
20 Here. Is there a question there
21 or no? Okay.

22 MR. STECKLOW: Do we have
23 the other video or no?

24 MR. STARKEY: I have ...
25 Yeah, I do have the video,

1 A. RAGANELLA

2 other video. There. I don't
3 know if it's better than the...

4 (Whereupon, the witness
5 was shown a video.)

6 (Back on the record.)

7 MR. STECKLOW: No, it's
8 not what I'm looking for but
9 let's just let it play for a
10 minute.

11 (Whereupon, the witness
12 was shown a video.)

13 (Back on the record.)

14 Q. All right. I'm going to show you
15 another video and ask you if you can
16 identify probable cause to the arrest of
17 this individual.

18 A. Okay.

19 (Whereupon, the witness
20 was shown a video.)

21 (Back on the record.)

22 Q. Okay, I'm going to stop the video
23 now... 2:05. Were you able to watch that
24 individual's arrest?

25 A. Yes.

1 A. RAGANELLA

2 Q. Did you recognize the white shirt
3 officer that effectuated that arrest?

4 A. No.

5 Q. All right. Did you see probable
6 cause for that arrest?

7 MS. MITCHELL: Objection.

8 You can answer.

9 Q. In the video that you observed,
10 were you able to identify probable cause
11 for that arrest?

12 MS. MITCHELL: Objection.

13 You can answer.

14 A. Yes.

15 Q. What was that probable cause?

16 A. It appeared to me, from what I saw,
17 that multiple instructions to clear the
18 sidewalk were given. I also observed that
19 individual remain on the sidewalk. I also
20 witnessed a gentleman with a cap on with a
21 blue shirt who appeared to me not to be
22 involved in the protest group walk up the
23 sidewalk, stop, and have to turn around and
24 go back the other way because the sidewalk
25 appeared to be blocked.

1 A. RAGANELLA

2 Q. Okay. Why don't you tell me when
3 you see that person seemingly unable to
4 continue to walk on the sidewalk?

5 (Whereupon, the witness
6 was shown a video.)

7 (Back on the record.)

8 Q. You're looking at it. How many
9 police are on the sidewalk, compared to how
10 many protestors are on the sidewalk?

11 MS. MITCHELL: Objection.

12 You can answer.

13 A. At this point, there's more police
14 officers on the sidewalk than protestors
15 because they moved them off the sidewalk
16 and up onto the steps.

17 Q. This is at approximately at 1:23 in
18 the video. Any blockage of the sidewalk now
19 is blockage by the police, isn't that
20 correct?

21 MS. MITCHELL: Objection.

22 You can answer.

23 A. I'm relatively certain that, if
24 somebody was coming through, they would
25 move out of the way and let people through.

1 A. RAGANELLA

2 Q. Okay, so you believe that, while it
3 might be blocked in this image, the police
4 would move out of the way if they needed to
5 in order to let people to walk by?

6 MS. MITCHELL: Objection.
7 You can answer.

8 A. From what I'm seeing right there, I
9 could ... I would ... I, myself, would have
10 no problem walking through there.

11 (Whereupon, the witness
12 was shown a video.)

13 (Back on the record.)

14 Q. Okay, so, if you would no problem
15 walking through there, why are they giving
16 instructions to clear the sidewalk?

17 A. The instructions were being given
18 behind them, not where they were standing.

19 Q. Behind them is even less
20 pedestrians.

21 (Whereupon, the witness
22 was shown a video.)

23 A. Well, not what I'm seeing right
24 there.

25 (Whereupon, the witness

1 A. RAGANELLA

2 was shown a video.)

3 Q. There's clearly less people in this
4 area than there were in the other area,
5 isn't that correct?

6 A. I see ... All right, well, look
7 this is ... If you want to argue opinions,
8 I'm telling you, from my perspective and my
9 opinion right now, I see a woman with a
10 sign standing there, another individual in
11 a black shirt. I see several protestors
12 that are there, and I see a gentleman with
13 the blue shirt on who appears to be an
14 uninvolved witness who, to me, appears to
15 want to walk forward and can't because the
16 woman with the sign is in his way.

17 Q. This person is the one you're
18 talking about, the one with his arms across
19 with a hat on?

20 A. Correct.

21 Q. You think that person is trying to
22 walk and can't?

23 A. That's my observation.

24 (Whereupon, the witness
25 was shown a video.)

1 A. RAGANELLA

2 Q. Okay.

3 A. Then, he turns around and goes back
4 the other way.

5 Q. That's the person you believe who
6 was being serious impeded on the sidewalk
7 to cause probable cause ... To establish
8 probable cause to the arrest of this
9 individual?

10 MS. MITCHELL: Objection.

11 You can answer.

12 A. That's possible, yes.

13 (Whereupon, the witness
14 was shown a video.)

15 (Back on the record.)

16 Q. Does there seem to be a serious
17 blockage at this point? We are not at 1:48.

18 A. Yes.

19 Q. Does there seem to be a clear and
20 present danger of disorder?

21 A. No.

22 MS. MITCHELL: Objection.

23 You can answer.

24 A. Sorry.

25 Q. But you believe that there's a

1 A. RAGANELLA

2 serious impediment to people walking on the
3 sidewalk due to the protestors there?

4 A. 100%.

5 Q. Okay.

6 (Whereupon, the witness
7 was shown a video.)

8 (Back on the record.)

9 Q. Do you see people walking in that
10 direction?

11 A. As you move the video forward, yes.

12 Q. Okay.

13 (Whereupon, the witness
14 was shown a video.)

15 (Back on the record.)

16 Q. Do you see room on the sidewalk as
17 this individual is being arrested for
18 anybody that wants to pass?

19 A. Yes, sir.

20 Q. Okay, so isn't it true that there
21 wasn't probable cause for this arrest, but
22 it's occurring because the officers were
23 trying to clear a sidewalk and just
24 determined to arrest this person for no
25 reason?

1 A. RAGANELLA

2 MS. MITCHELL: Objection.

3 You can answer.

4 A. I can't speculate that there was no
5 reason to arrest him.

6 Q. Okay. There was no reason to arrest
7 him for blocking pedestrian traffic.

8 A. I disagree.

9 MR. STECKLOW: All right.
10 I'm going to take a couple
11 minutes. I still have more.

12 It's almost 6:00, so what
13 would you like to do?

14 MS. MITCHELL: Well, how
15 much more do you have left to
16 do?

17 MR. STECKLOW: Well,
18 that's what I'm going to figure
19 out when I take my couple of
20 minutes.

21 MS. MITCHELL: Well, why
22 don't you take [crosstalk]...

23 MR. STECKLOW: I also
24 wanted to see what more videos
25 we haven't gone through yet,

1 A. RAGANELLA

2 but I think we're all towards
3 the end of our productivity for
4 the day.

5 MS. MITCHELL: Okay. Well,
6 why don't you let me know how
7 much more you think you have,
8 and then we can have a
9 discussion about dates?

10 (Whereupon, a short recess
11 was taken.)

12 (Back on the record.)

13 Q. I'm going to ask a couple more
14 questions, then your counsel is going to
15 ask questions. Then we're going to end for
16 today, and there may or may not be another
17 hour or so after that, that we'll
18 reschedule.

19 A. Okay.

20 (Document marked Exhibit
21 37 for identification as of
22 this date by the reporter.)

23 MR. STECKLOW: I'm going
24 to show you just that we're
25 recording. We're back on the

1 A. RAGANELLA

2 record.

3 The time is now 5:59 PM.

4 Q. I'm showing you what I've marked as
5 Plaintiff's Exhibit 37.

6 It's previously been stamped 19439
7 through 19441. Let me just put them
8 together. I'll ask you to review the
9 document. Let me know after you'd had a
10 chance to do so.

11 A. (Witness perusing document.) Okay.

12 Q. Have you had a chance to review it?

13 A. Yes.

14 Q. Do you recognize it?

15 A. Yes.

16 Q. Is it an email exchange you had
17 after the May Day protest with Robert
18 Kelly?

19 A. Yes.

20 Q. Who is Robert Kelly?

21 A. He was a Captain at the time, that
22 worked in the Criminal Justice Bureau for
23 the NYPD.

24 Q. What information were you seeking
25 to identify here?

1 A. RAGANELLA

2 A. How many arrests we had, and if any
3 of the arrests from the demonstration
4 related protest, if any of them were
5 declined to be prosecuted, and the quantity
6 of arrests that we had.

7 Q. Why were you interested in that
8 information?

9 A. Two reasons. One was that I was
10 collecting information on arrests to use in
11 a unit citation that we were writing for
12 the unit, to document the quantity of
13 arrests that were made that we may have
14 been involved in.

15 The second reason is just for
16 training purposes and FYI, to see if there
17 was anything that we needed to do or change
18 or modify in regard to training in relation
19 to demonstration-related protests.

20 Q. What would indicate to you whether
21 or not there was a need to change training
22 in relation to demonstration protests?

23 A. I think if I saw an exorbitant
24 amount of declined prosecutions, that would
25 make me curious as to whether the District

1 A. RAGANELLA

2 Attorney's office just didn't like us, or
3 if there was some deficiency in the way
4 that we were conducting the arrests. That
5 we had an issue that needed to be
6 addressed.

7 Q. If you had seen a number of
8 decline-to-prosecutes, what would you have
9 done?

10 A. I probably would have investigated
11 further with Captain Hailey and may have
12 even consulted with our legal bureau to
13 find out what the issue was, and if it was
14 in fact something that needed to be
15 addressed in training or not.

16 Q. Is this something you've done other
17 times, other than May Day?

18 A. Not that I recall.

19 Q. During other times at Occupy Wall
20 Street when there were mass arrests, you
21 didn't inquire as to the number of arrests
22 and whether or not there was any decline-
23 to-prosecutes?

24 A. I may have verbally through
25 telephone conversations or in person, but

1 A. RAGANELLA

2 nothing that I can remember formally
3 documenting, like an email.

4 Q. Thank you. I'm going to show you
5 another video. This one has not been turned
6 over. It's publicly available. It's in the
7 thumb drive. We're going to review it.

8 I'd like you to watch this video
9 and then we're going to have scintillating
10 conversation about it.

11 A. I look forward to it.

12 Q. Well, this one's dark.

13 A. Can you tilt back a little bit the
14 top?

15 Q. Yeah. It may help too much.

16 A. Okay. Yeah, it's dark, but I'll
17 give it a shot.

18 Q. Yeah, keep the volume down, because
19 it gets loud. You ready? Here we go.

20 (Whereupon, the witness
21 was shown a video.)

22 (Back on the record.)

23 Did you see the individual get
24 arrested there?

25 A. It's very difficult to see that.

1 A. RAGANELLA

2 Q. Did you see it?

3 A. A short individual engaged in a
4 conversation which I couldn't fully make
5 out, with what appeared to be a supervisor.
6 Then, make a left turn to continue on his
7 way down the sidewalk.

8 I can't even tell if it was another
9 officer or somebody. It seems like there
10 was some type of struggle that ended up
11 over to the left up against the building,
12 behind the pillar.

13 Q. Did the conversation that he had
14 with the supervisor proceeding this
15 physical interaction indicate he was asking
16 permission to go in a certain direction?

17 MS. MTCHELL: Objection.
18 You can answer.

19 A. I can't make that out.

20 Q. You think he was asking the
21 weather? What do you think he was asking?

22 MS. MTCHELL: Objection.
23 You can answer.

24 A. Something involving directions,
25 because I see hands pointing.

1 A. RAGANELLA

2 Q. Do you hear him say, If I go that
3 way, will I be detained?

4 MS. MTCHELL: Objection.
5 You can answer.

6 A. I heard him say, if I go that way.
7 I didn't hear the part about detained.

8 Q. Did you hear there, him ask if he
9 would be detained if he walked this way?

10 MS. MTCHELL: Objection.
11 You can answer.

12 A. It sounded to me like he said
13 something about being handcuffed.

14 Q. Did you hear him there where he
15 just said, will I be detained?

16 MS. MTCHELL: Objection.
17 You can answer.

18 A. No, I didn't. I heard him say
19 something about entrapment if I get
20 handcuffed.

21 Okay, now I hear it. Yes. Will I be
22 detained, yes.

23 Q. I want you to see if this officer
24 responds to him. Do you hear the officer
25 respond, and say no?

1 A. RAGANELLA

2 MS. MITCHELL: Objection.

3 You can answer.

4 A. I can't make out what the officer
5 is saying.

6 Q. It's not easy, I'll grant you that.
7 It's not easy, there's a lot of background
8 noise. I'd ask you to really focus and try
9 to hear.

10 MS. MITCHELL: Objection.

11 Q. Did you hear him respond?

12 A. Yes.

13 MS. MITCHELL: Objection.

14 Q. What did he say?

15 A. It sounded to me like he said no.

16 Q. Then the individual said thank you,
17 correct?

18 MS. MITCHELL: Objection.

19 You can answer.

20 A. Stand by for a second, because I
21 can't see the officer's face. Although I
22 may make out the word no, I can't with any
23 certainty say that it came from the
24 officer. It could have come from the person
25 holding the camera.

1 A. RAGANELLA

2 Q. Did the interaction between the two
3 of them indicate it came from the officer?

4 A. Yes, it did.

5 Q. Because the individual asked the
6 question, we believe the officer responded,
7 and the individual said thank you, and then
8 started to walk in the direction he had
9 requested permission to walk in. Correct?

10 MS. MTCHELL: Objection.

11 You can answer.

12 A. Absolutely.

13 Q. Let's turn the volume down since
14 people get pretty upset. Let's go back a
15 little bit just so we can see it.

16 There you're seeing a physical
17 interaction, correct?

18 MS. MTCHELL: Objection.

19 You can answer.

20 A. Yeah, it appears to me that a
21 Supervisor in a white shirt maybe, and
22 another officer approach him.

23 Q. And stop him from proceeding in the
24 direction he was just given permission to
25 proceed in. Isn't that correct?

1 A. RAGANELLA

2 A. Correct.

3 Q. At that point, those officers then
4 take this individual and put him up against
5 the building, correct?

6 A. Correct.

7 Q. And they place him under arrest,
8 correct?

9 MS. MITCHELL: Objection.
10 You can answer.

11 A. It appears that's what they're
12 doing, yes.

13 Q. Did the police conduct that you can
14 see in this video, comport with the
15 training of disorderly control?

16 MS. MITCHELL: Objection.
17 You can answer.

18 A. It's hard to know what the officers
19 knew at that time, so I can't answer that.

20 Q. Did that seem like an appropriate
21 response by the police who arrested this
22 individual, to what was going on?

23 A. It very well could have been, yes.

24 Q. Did it seem like from what you
25 could see in the video, an appropriate

1 A. RAGANELLA

2 response to what you could see in the
3 video?

4 MS. MITCHELL: Objection.
5 You can answer.

6 A. Yes.

7 Q. What in the video showed you that
8 was an appropriate response?

9 MS. MITCHELL: Objection.
10 You can answer.

11 A. From what I saw and what I heard in
12 the video, that was not an appropriate
13 response. However, the officer in the white
14 shirt whatever rank he was, and the officer
15 that was with him, I don't know that they
16 were privy to that conversation that
17 allowed that individual to make the left
18 and go through.

19 They may have been under the
20 guidance that nobody from that crowd is
21 allowed to walk down that sidewalk. Since
22 they didn't hear that conversation and they
23 saw an individual coming down the sidewalk,
24 that may have given them the probable cause
25 to believe that this individual disobeyed a

1 A. RAGANELLA

2 lawful order from a police officer.

3 I don't know what he was arrested
4 for, so I don't know.

5 Q. There's a lot of assumptions in the
6 statement you just made.

7 A. Absolutely.

8 Q. They're not based on the video, and
9 what you're seeing in the video. I'm asking
10 you to answer the questions based on what
11 you can see here.

12 A. I have knowledge that those
13 arresting officers may not have. I believe
14 that you're asking me to go into the mind
15 of the police officers and if they have
16 probable cause.

17 Q. You don't know if they have the
18 knowledge or not, correct?

19 A. Correct.

20 Q. So, you're imputing to them a lack
21 of knowledge that they may actually have.
22 Correct?

23 MS. MTCHELL: Objection.

24 You can answer.

25 A. There's a lot of maybes, yes.

1 A. RAGANELLA

2 Q. Right, and the only reason you're
3 doing that is to justify what seems to be a
4 fairly obviously bad arrest.

5 MS. MTCHELL: Objection.

6 You can answer.

7 A. No.

8 Q. Is there another reason you're
9 doing that?

10 A. Yes.

11 Q. What is that?

12 A. Because I don't know what the
13 officers that made the arrest saw, heard,
14 or what directions they were given.

15 Q. It's pretty loud where this is
16 happening, correct?

17 A. Seems to be.

18 Q. The person who's asking permission
19 starts by making a threat to somebody. Not
20 to the officer he's talking to. Correct?

21 A. That I can't tell.

22 Q. No? Let's watch it again.

23 Do you see all of these officers in
24 the background?

25 A. Yes.

1 A. RAGANELLA

2 Q. They are looking and facing this
3 conversation?

4 A. Yes.

5 Q. Please pay attention to those. You
6 see in the background, a lot of officers
7 focused on this conversation. Correct?

8 MS. MTCHELL: Objection.
9 You can answer.

10 Q. Correct?

11 A. I don't know that they're focused
12 on the conversation. They seem to be
13 focused on the interaction.

14 Q. Between this individual and the
15 police officer.

16 A. Correct, but just established that
17 it's very loud there.

18 Q. Yes.

19 A. So, I can't tell you that the
20 officers heard what the conversation was.

21 Q. This white shirt here is the one
22 who stopped him. He's the one you're
23 indicating may not have been aware that
24 this officer right here gave him permission
25 to turn. Correct?

1 A. RAGANELLA

2 A. Correct.

3 Q. I'm saying from this, it looks like
4 they are just a couple of feet apart.
5 Between the white shirt officer and the
6 officer, you're saying gave this individual
7 permission. Correct?

8 MS. MITCHELL: Objection.
9 You can answer.

10 A. What's your question?

11 Q. It looks like they're just a couple
12 feet apart at this point?

13 A. It looks like more than that to me.

14 Q. How much feet does it look like
15 they're apart?

16 A. I would say at least six or seven
17 feet.

18 Q. Enough where the officer who gave
19 him permission could say, hey I just gave
20 him permission. I don't know if you heard.

21 MS. MITCHELL: Objection.
22 You can answer, if you
23 can.

24 A. I guess that's possible.

25 Q. But, he doesn't do that, does he?

1 A. RAGANELLA

2 A. I don't see him do that.

3 Q. Right? And he allows the arrest to
4 go forward. Doesn't he?

5 MS. MTCHELL: Objection.

6 You can answer.

7 A. Can you continue playing it?

8 Q. I want to go back and see if you
9 can watch the white shirt from before. See
10 if we can find him in the back of that
11 crowd.

12 A. Yes, I see him.

13 Q. Is he also paying attention to
14 what's going on?

15 A. He seems to be looking around.

16 Q. In the direction of where the
17 conversation is taking place, correct?

18 MS. MTCHELL: Objection.

19 You can answer.

20 A. He looked like he was looking at
21 the store at first.

22 Q. It's still your testimony from
23 watching this video, that you don't know if
24 that white shirt officer could actually
25 have understood that this individual is

1 A. RAGANELLA

2 being given permission by the officer he
3 was speaking to, to turn and go in that
4 direction?

5 A. That is correct. I do not know
6 that.

7 Q. That's your testimony?

8 A. That is correct.

9 Q. You think it's more likely that
10 occurred, than that white shirt officer
11 just chose to make a bad arrest?

12 MS. MTCHELL: Objection.

13 You can answer.

14 A. I would hope that an officer
15 doesn't choose to make a bad arrest.

16 Based on the fact that I don't have
17 the knowledge of actually being there at
18 the scene, I have to make the assumption
19 that he did not make a bad arrest and he
20 was unaware that person was given
21 permission.

22 Q. Okay.

23 A. That's my testimony.

24 Q. What does your training do, to tell
25 officers in that situation about how to

1 A. RAGANELLA

2 handle it. Once one officer has given
3 permission to someone to do something,
4 another officer starts making an arrest
5 based on that same conduct, that this
6 individual already had authorization to do?

7 MS. MTCHELL: Objection.

8 You can answer, if you
9 can.

10 A. Then it goes back to what the
11 initial officer that he had the
12 conversation with. I don't know what he
13 knew or what he was told to do. It appears
14 to me, again going from only what I see
15 here. There may have been a
16 miscommunication between the officers.

17 Q. That miscommunication led to the
18 arrest of the individual. Correct?

19 MS. MTCHELL: Objection.

20 You can answer, if you
21 know.

22 A. I don't know.

23 Q. Well, you just said there appears
24 to be a miscommunication.

25 A. Yes.

1 A. RAGANELLA

2 Q. Was the result of that
3 miscommunication that this individual went
4 home, or the individual got handcuffed?

5 MS. MTCHELL: Objection.

6 You can answer, if you
7 know.

8 A. If there was in fact a
9 miscommunication, it resulted in from what
10 I see, those officers having probable cause
11 to make an arrest.

12 Q. The miscommunication gave the
13 officers probable cause to make an arrest?

14 MS. MTCHELL: Objection.

15 You can answer.

16 A. That's not what I said, no.

17 Q. Why don't you clear that up for me?

18 A. It's my testimony from what I see
19 here, again making assumptions, because
20 that's what you're asking me to do because
21 I wasn't there, and don't have the full
22 knowledge.

23 Q. I'm not asking you to make
24 assumptions. I'm trying to --

25 A. I can't answer the question.

1 A. RAGANELLA

2 Q. I'm trying to ask you questions on
3 just what you can observe in the video.
4 You're answering it by making many
5 assumptions.

6 A. Okay.

7 Q. I'm asking you, by what you observe
8 in the video, what can you tell us? Is
9 there probable cause. You're telling me
10 well, and then you make a bunch of
11 assumptions.

12 I'm not asking for the assumptions.
13 I'm allowing you to answer it the way you
14 want, but I'm not the one asking you to
15 make an assumption.

16 With that understanding, where I'm
17 only asking you to answer based on what you
18 can see in the video, do you see probable
19 cause for that arrest?

20 MS. MITCHELL:

21 Objection. Calls for
22 speculation.

23 You can answer.

24 A. You're asking me to speculate. I
25 can't.

1 A. RAGANELLA

2 Q. I'm not asking you to speculate,
3 I'm asking you based on what you saw in the
4 video.

5 A. So, you're asking me to speculate.
6 If those officers were not told anything,
7 then I could see that possibly they don't
8 have probable cause.

9 However, if those officers were
10 told this is a frozen area, we're not
11 allowing pedestrians to come down the
12 sidewalk, and then this individual comes
13 down the sidewalk, that could establish
14 probable cause. I don't know which way that
15 went.

16 Q. Even if he had permission to go in
17 that direction, that would still give them
18 probable cause to make that arrest?

19 MS. MTCHELL: Objection.

20 You can answer.

21 A. Again, I don't know if the officers
22 knew that he was given permission or not.

23 Q. I understand that.

24 A. Okay.

25 Q. Even if they didn't know that he

1 A. RAGANELLA

2 was given permission.

3 A. Yes.

4 Q. The fact that he was given
5 permission means he had the lawful right to
6 be in that direction. To walk those steps.

7 Even if the officers didn't know
8 that, that doesn't establish probable
9 cause. Perhaps it establishes arguable
10 probable cause and will grant those
11 officers qualified immunity from a false
12 arrest suit.

13 I do not believe it establishes
14 probable cause for that person's arrest. Do
15 you agree with that?

16 MS. MTCHELL: Objection.

17 A. I disagree with that.

18 Q. What is it you disagree with? How
19 do you see probable cause established there
20 if that individual had permission to take
21 that route?

22 A. Again, I don't know that the
23 officers knew that he was given permission
24 to go down that sidewalk.

25 Q. Understood.

1 A. RAGANELLA

2 A. If the officers did not know that
3 he had permission to go down that sidewalk,
4 and those officers were given instructions
5 or were under a mandate to maintain a
6 frozen zone and not allow pedestrians to
7 come down that sidewalk, and they believed
8 that was being violated by the individual,
9 that may establish probable cause for them.

10 Q. You believe that a police officer
11 can utilize a mistake of knowledge to
12 establish probable cause for a lawful
13 arrest?

14 MS. MTCHELL: Objection.
15 You can answer.

16 A. Hindsight is 20/20 but I doubt that
17 they knew that they were mistaken.

18 Q. I'm going to ask the question
19 again, because I'd like you to answer the
20 question I'm asking.

21 A. Okay.

22 Q. It's your belief that a mistake of
23 fact by a police officer can establish
24 probable cause for an arrest?

25 MS. MTCHELL: Objection.

1 A. RAGANELLA

2 You can answer.

3 A. Does the officer know that he's
4 under mistake at the point that he
5 establishes probable cause? I don't
6 understand what you're asking.

7 Q. Is probable cause established by
8 the police or by the facts?

9 A. By a reasonable officer taking into
10 consideration the facts known to him at the
11 time that established that an offense was
12 committed, and that person to be arrested
13 is the person that committed the offense.

14 Q. Right.

15 A. That's what gives us probable
16 cause.

17 Q. If an offense is committed. If a
18 person has permission to do something by
19 the police, he's not committing an offense.
20 If a police officer doesn't know that, he
21 makes a mistake and believe probable cause
22 is established when in fact it was not.
23 Isn't that accurate?

24 MS. MTCHELL: Objection.

25 A. I agree.

1 A. RAGANELLA

2 Q. In this situation, if those two
3 officers did in fact not know that this
4 person was given permission and therefore
5 made that arrest, that doesn't establish
6 probable cause, that just makes them
7 believe that they're seeing probable cause.
8 When in fact, it doesn't exist. Is that
9 true?

10 MS. MTCHELL: Objection.
11 You can answer, if you
12 can.

13 A. We're deep into semantics right
14 now, because for an officer to establish
15 probable cause, he has to believe certain
16 things.

17 Yes? If an officer believes that an
18 offense was committed, and the person to be
19 arrested is the person that committed it,
20 he has the standard of proof of probable
21 cause to make an arrest.

22 If he finds out later that
23 information was incorrect, and it was a
24 mistake, that doesn't take away the fact
25 that at the time he made the arrest, he in

1 A. RAGANELLA

2 his mind had probable cause.

3 Q. I agree that doesn't take it out of
4 his mind. It does change the fact that
5 there was no probable cause.

6 A. Okay, well I'm not a lawyer, so
7 that part I can't get into.

8 Q. I think that you're right. We're
9 deep into the weeds here, and I would enjoy
10 having this conversation with you over a
11 beer instead of --

12 A. Good, I'll take you up on that.

13 MR. STECKLOW: At this
14 point, as I said I was going to
15 stop and let your counsel ask
16 some questions. We were then
17 going to keep the deposition
18 open for approximately another
19 hour, hour and a half time if
20 we need to. We may not.

21 MS. MITCHELL: Okay, thank
22 you. We can just go off the
23 record for a couple of minutes,
24 so I can speak to him.

25 MR. STECKLOW: Sure.

1 A. RAGANELLA

2 (Whereupon, a short recess
3 was taken.)

4 (Back on the record.)

5 MS. MITCHELL: Okay. I
6 don't care to be in your video.

7 MR. STECKLOW: The time is
8 now 6:30 PM, we're back on the
9 record.

10 DIRECT EXAMINATION

11 BY MS. MITCHELL:

12 Q. Inspector Raganella, I just have a
13 couple of questions for you.

14 A. Okay.

15 Q. Plaintiff's counsel showed you a
16 number of video clips. In those video clips
17 that you saw, I believe that they were
18 approximately nine or ten video clips.

19 Do you know what happened prior to
20 the start of those video clips?

21 A. No.

22 Q. Do you know what, if any infraction
23 occurred prior to the start of those video
24 clips?

25 A. No.

1 A. RAGANELLA

2 Q. Do you know if any pedestrians were
3 blocked from passing on the sidewalks prior
4 to the start of those video clips?

5 A. No.

6 Q. Did you see the entirety of all of
7 those video clips?

8 A. No.

9 Q. Do you know if any orders to
10 disperse were given prior to the start of
11 those video clips?

12 A. No.

13 Q. Were you speculating when you
14 responded to plaintiffs counsel's questions
15 regarding determinations of probable cause
16 when answering questions regarding those
17 video clips?

18 A. Yes, based on the limited
19 information that I had from the video clips
20 that I saw, I speculate on whether they had
21 the probable cause to make an arrest.

22 Q. Showing witness Plaintiff's four,
23 the three photographs.

24 A. (Witness perusing document.)

25 Q. Do you know based on these photos

1 A. RAGANELLA

2 whether or not any protestor committed any
3 infraction?

4 A. I do not know.

5 Q. Do you know what happened prior to
6 the taking of these photographs?

7 A. No.

8 Q. Do you know if any warnings were
9 issued prior or during the taking of these
10 photographs?

11 A. No.

12 Q. When you answered questions
13 regarding these photographs, were you
14 speculating?

15 A. Yes.

16 Q. Do you believe that recruit
17 training is deficient?

18 A. No.

19 Q. Counsel showed you a number of
20 PowerPoint slides. Do PowerPoint slides
21 reflect everything that is explained and
22 taught during DCU Training?

23 A. No.

24 Q. What is the purpose of the
25 PowerPoint slides during DCU Training?

1 A. RAGANELLA

2 A. The PowerPoint slides are a guide
3 for the instructor to use to convey certain
4 points within the lesson guide.

5 Q. Plaintiff's counsel also showed you
6 lesson plans for disorder control unit
7 courses. Do lesson plans convey everything
8 that is taught during DCU course?

9 A. No.

10 Q. What is the purpose of a lesson
11 plan for the disorder control unit?

12 A. A lesson plan is an instructor's
13 guide with information in it to convey to
14 students, recruits, officers, whoever it is
15 that we're teaching, as a guideline as to
16 what to teach them.

17 Q. For both PowerPoint slides, and
18 lesson plans, is there additional
19 information that is conveyed to students
20 that would not be included in either of
21 those documents?

22 A. Sure.

23 Q. You previously testified regarding
24 police paperwork, and the indication of an
25 arresting officer and the assigned officer.

1 A. RAGANELLA

2 In the narrative section of an
3 arrest report, would that section indicate
4 information regarding the arresting officer
5 or the assigned officer's basis for
6 arresting the individual?

7 A. Yes.

8 Q. Is unusual incident always shared
9 with the disorder control unit?

10 A. No.

11 Q. Are unusual incident reports
12 required to be shared with the disorder
13 control unit?

14 A. No.

15 Q. Are unusual incident reports
16 required to be shared the disorder control
17 unit under the organizational guide?

18 A. No.

19 MS. MITCHELL: I have no
20 further questions.

21 MR. STECKLOW: This
22 deposition is over for tonight.
23 As we said, we might have you
24 back, hopefully we'll be able
25 to schedule that beer as well

1 A. RAGANELLA

2 at some point.

3 THE WITNESS: Sounds good.

4 MR. STECKLOW: Thank you
5 so much. The time is now 6:36
6 PM, and I am turning off.

7 (Whereupon, the deposition
8 of Anthony J. Raganella was
9 adjourned, at 6:36 p.m.)

10 -o0o-

11 COURT REPORTER: Mr. Stecklow,
12 would like the exhibits attached to
13 the transcript?

14 MR. STECKLOW: Yes.

15 COURT REPORTER: Ms. Mitchell,
16 Are you ordering a copy?

17 MS. MITCHELL: Yes, we are.

18 -o0o-

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STATE OF _____)
) : ss
COUNTY OF _____)

I, ANTHONY J. RAGANELLA, the witness
herein, having read the foregoing
testimony of the pages of this deposition,
do hereby certify it to be a true and
correct transcript, subject to the
corrections, if any, shown on the attached
page.

ANTHONY J. RAGANELLA

Sworn and subscribed to before me,
this _____ day of _____, 2018.

Notary Public

C E R T I F I C A T E

STATE OF NEW YORK)

: ss

COUNTY OF QUEENS)

I, JUDEEN M. DENNISTON, a Shorthand Reporter and Notary Public, within and for the State of New York, do hereby certify:

That, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of July, 2018.



JUDEEN M. DENNISTON

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I N D E X

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EXAMINATION BY

PAGE

4

Mr. Stecklow

7

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Ms. Mitchell

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E X H I B I T S

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(Exhibit are attached.)

9

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Police Commissioner... date 1/24/12

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INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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